

EEO BRANCH  
HUMAN RESOURCES OFFICE,  
NAVAL FACILITIES ENGINEERING COMMAND ATLANTIC  
9324 Virginia Avenue, Bldg. Z-140, Room 315  
Norfolk, VA 23511-3095

EEO COUNSELOR'S REPORT

Date Submitted: 17 May 2016

EQUAL EMPLOYMENT SPECIALIST:

(b)(6)(b)(7)(c)

PHONE NUMBER:

(b)(6)(b)(7)(c)

AGENCY DOCKET NUMBER:

DON-16-44255-01683

COMPLAINANT'S NAME:

Mr. George Karl

HOME ADDRESS AND PHONE:

22588 Tree Farm Lane NE  
Poulsbo, WA 98370  
(360) 710-0691

COMPLAINANT'S REPRESENTATIVE:

N/A

ADDRESS AND PHONE:

N/A

ACTIVITY FILED AGAINST:

Naval Facilities  
Engineering Command,  
Northwest (NAVFAC NW)

ACTIVITY ADDRESS:

1101 Tautog Circle,  
Silverdale, WA 98315

ACTIVITY UIC:

44255

COMPLAINANT'S POSITION:

Engineering Technician  
GS-0802-11

DEPARTMENT:

Bangor Public Works

WORK PHONE:

(360) 396-4710

BARGAINING AGREEMENT INFORMATION:

BARGAINING UNIT MEMBER:

Yes

BARGAINING UNIT

American Federation of  
Government Employees

NGP EXCLUDES DISCRIMINATION COMPLAINTS: Yes

DATE(S) OF ALLEGED INCIDENT(S): 12 January 2016  
1 February 2016  
16 February 2016  
1 March 2016  
2 March 2016  
6 March 2016

45th DAY AFTER EVENT: 26 February 2016  
17 March 2016  
1 April 2016  
15 April 2016  
16 April 2016  
20 April 2016

DATE CONTACTED EEO OFFICE: 6 April 2016

REASON FOR DELAYED CONTACT: N/A

INITIAL INTERVIEW: 14 April 2016

ISSUED NOTICE OF RIGHTS AND RESPONSIBILITIES: 14 April 2016

ADR: Offered during initial interview: Yes  
CP: Declined

ISSUED EXTENSION OF EEO COUNSELING: No  
NUMBER OF DAYS:

ISSUED NOTICE OF FINAL INTERVIEW: 5 May 2016

DATE FORMAL COMPLAINT FILED: 11 May 2016

COMPLAINT BASIS (ES): Disability  
(Physical/Broken Pelvic and Wrist), Reprisal  
(prior EEO Activity)

PRECISE DESCRIPTION OF THE ISSUE(S) COUNSELED:

Was George Karl (Complainant) discriminated against on the bases of Disability - Physical (Pelvic and wrist) and Reprisal for prior EEO activity (participation in multiple EEO Investigations) by (b)(6)(b)(7)(c) (1st level), and (b)(6)(b)(7)(c) (HR Specialist), and (b)(6)(b)(7)(c) (RA Coordinator) at Naval Facilities Engineering Command, Northwest, Public Works Department, Naval Base Kitsap-Bangor, WA when

between 5 January and 2 March 2016 his chain of command repeatedly delayed his request for a Reasonable Accommodation to Telework? Specific actions were:

1. On 12 January 2016, Complainant sent 1<sup>st</sup> level a RA request to telework followed by sending his medical diagnosis and limitation documentation on 15 January 2016; 1<sup>st</sup> level responded by sending Complainant addition forms on 16 January 2016;

2. On 20 January 2016, Complainant sent 1<sup>st</sup> level a "Request for Leave or Approved Absence" (Family Medical Leave Act (FMLA)) request, again 1<sup>st</sup> level request additional documents;

3. On 1 February 2016, (b)(6)(b)(7)(c), RA Coordinator, via email, requested an interactive discussion during the week; (b)(6), (b)(7)(C) did not follow-up;

4. On 16 February 2016, 1<sup>st</sup> level again requested medical documentation;

5. On 1 March 2016, during interactive discussion by phone, 1<sup>st</sup> level refused Complainant RA offer to perform administrative work for other ET's;

6. On 2 March 2016, via email, 1<sup>st</sup> level approved telework RA, assigning duties of Outage Coordinator; a job Complainant have no training in and added requirements above those of the permanently assigned coordinator does not have to meet.

REMEDY REQUESTED BY THE COMPLAINANT:

1. Document disciplinary action against involved management personnel;
2. Transfer current supervisors outside of Complainant's chain of command;
3. To recoup all annual/sick leave, travel compensation time during period of time at issue;
4. Provide EEO/Title I and VII training to command;
5. Document EEO issue in involved personnel performance evaluation;
6. Post official EEOC discrimination violation notice at command; and
7. Receive maximum Compensatory and Punitive damages;

ALLEGED RESPONSIBLE MANAGEMENT OFFICIAL(S):

(b)(6)(b)(7)(c) (1<sup>st</sup> Level supervisor), No Disability, Prior EEO (Yes: RMO), Supervisory General Engineer, GS-1101-13, Facilities management Facility Services Branch Head (FMFS), Public Works Department, Naval Base Kitsap-Bangor, WA, (b)(6)(b)(7)(c), (b)(6)(b)(7)(c)@navy.mil

(b)(6)(b)(7)(c) (Reasonable Accommodation Manager),  
Disability: Decline to respond, Prior EEO (No), Supervisory  
Contract Specialist, GS-1102-13 (on detail to HRO as Human  
Resource and EEO Specialist, Human Resources Department, Naval  
Facilities Northwest, Silverdale, WA, (b)(6)(b)(7)(c),  
(b)(6)(b)(7)(c).mil

(b)(6)(b)(7)(c) (Human Resources (HR) Specialist), No  
Disability, Prior EEO (Yes: Witness/HR Subject Matter Expert),  
Labor Employee Relations Specialist, GS-0201- 12, Human  
Resources Department, Naval Facilities Northwest, Silverdale,  
WA, (b)(6)(b)(7)(c), (b)(6)(b)(7)(c)@navy.mil

WITNESS (ES) :

N/A

SUMMARY OF ACTIONS RELATED TO COMPLAINT:

1. Background.

At time of incident(s), CP worked as an Engineering Technician,  
GS-0802-11, assigned to Facilities management Facility Services  
Branch Head (FMFS), Public Works Department, Naval Base Kitsap-  
Bangor, WA.

In addition to the RMO's directly involved in his Reasonable  
Accommodation process Complainant has named his entire NAVFAC NW  
management chain and advisors. He includes, Captain Mark  
Geronime, Commanding Officer, Captain Michael Kenney, Executive  
Officer, (b)(6)(b)(7)(c), Deputy Public Works Director, (b)(6)(b)(7)(c),  
(b)(6)(b)(7)(c), Facilities Engineering and Acquisition  
Division Director, (b)(6)(b)(7)(c), Human Resources Officer,  
and (b)(6)(b)(7)(c), Human Resources Specialist. However, he  
did not provide any information connecting them to his  
complaint.

CP sustained injuries to his hip and wrist in an auto accident  
on 5 January 2016 requiring eight (8) days of hospitalization  
and three (3) months recovery, during which time his arm would  
be in a cast and he would be confined to a wheelchair. CP  
states on 6 January 2016, he (his family) notified (b)(6)(b)(7)(c)  
(b)(6)(b)(7)(c), his 1<sup>st</sup> level of his condition and medical  
requirements. On 12 January 2016, he requested a Reasonable  
Accommodation to telework.

CP states he forwarded a copy of his Physician's letter  
clarifying his injuries and restrictions to his 1<sup>st</sup> level on

15 January 2016, to which his 1<sup>st</sup> level responded on 16 January 2016, with RA forms to be filled out. On 20 January 2016, CP requested leave from his 1<sup>st</sup> level and again his 1<sup>st</sup> level responded with more forms to fill out. Between 28 and 30 January 2016, CP provides 1<sup>st</sup> level with previous medical documentation to support his RA telework request and prognosis statement of up to one-year recover time.

Between 1 and 29 February 2016, (b)(6)(b)(7)(c), RA Coordinator, contacted CP via email indicating the administrative process has started and they would need to have an interactive discussion during the week on 1 February 2016. However, (b)(6)(b)(7)(c) did not follow up with a discussion. CP states he contacted (b)(6)(b)(7)(c) on 12 February 2016 to make inquiry on the interactive dialog. On 16 February 2016, he received an email from his 1<sup>st</sup> level requesting the medical documents previously provided, he states he provided the same documents again and on 22 February 2016 sent an email expressing his concern with continually being required to provide medical documentation previously provided. On 29 February 2016, CP states (b)(6)(b)(7)(c) contacted him via email requesting his phone number; he states he felt this was more stalling since his chain of command has his contact information. He responded by informing (b)(6)(b)(7)(c) of his intent to file an EEO Complaint for the command intentionally causing unnecessary delays in processing his RA. Following his response to (b)(6)(b)(7)(c), CP states that on 1 March 2016 he had an interactive dialog phone conversation in which he requested to be assigned the duties of accomplishing his and other Engineering Technicians administrative work, an assignment done in the past for a co-worker. His 1<sup>st</sup> level refused his request of the assignment and assigned him the duties of Outage Coordinator.

CP states on 2 March 2016, he receives an email from his 1<sup>st</sup> level with a requirement letter attached stating his RA to telework was approved and that he is assigned the duties of Outage Coordinator. CP states this assignment was given as a "take it or leave it" assignment. He objected to being assigned to a position he was not trained to do and that was forced on him. Additionally, the assignment came with what he felt were stricter duty performance standards and requirements than that of the individual permanently assigned the position. He offered examples of instructed to call in to a meeting but not given a call in number, one day assignment turn-around times, required to email muster (work start time and ending time), and required to provide request for medical appointments in sufficient time for approval, but not given the lead to be considered sufficient notification time.

CP states the delay in processing his RA request by NAVFAC NW management was discriminatory under the American with Disabilities and in reprisal for prior EEO activities.

2. Documents Reviewed and/or Attached:

None

3. Personnel Contacted:

(b)(6)(b)(7)(c) (CP's 1<sup>st</sup> level). (b)(6)(b)(7)(c) states a subordinate initially made him aware and eventually Complainant's wife contacted him of Complainant's accident on 6 January 2016. On/or about 20 January 2016, he received a FLMA request from Complainant. He coordinated the evaluation of the request with HR resulting in determining Complainant was not eligible for FLMA; he had not exhausted his on leave. Following this decision, on/or about 28 January 2016, he received Complainant's RA request to telework and perform his ET administrative duties and administrative duties of other ET's conducting the fieldwork as part of his evaluation of the request he followed the RA Coordinator's advice, to consider all work options as it related to Complainant's condition and limitations. However, he did not feel the duties requested were an effective or efficient use of time. However, assigning Complainant the outage coordination duties was the better option that could be done while teleworking 100% of the time.

He states he, an HR Specialist, and the RA Coordinator participated in an interactive discussion with Complainant to discuss approval of his RA, reason for assigning him the Outage Coordinating duties vise maintaining his ET duties, and the telework agreement. He states Complainant did not express any concerns at all and maintained the agreement until his recent return to full duty status. He states the requirements listed in the RA were generally added to identify a means for management to monitor Complainant's performance and with normal requirement under the telework agreement.

(b)(6)(b)(7)(c) (HR Specialist). (b)(6)(b)(7)(c) states she provides advice and guidance to Complainant's supervisor on Labor and Employee Relation matter. She represented management on the Reasonable Accommodation case and participated in the interactive discussions with the complainant and management, along with the RA coordinator. The Complainant was accommodated on 1 March 2016, within his limitations. (b)(6)(b)(7)(c) states she was made aware Complainant prior EEO activity in February 2015 by the NAVFAC NW EEO Officer. She states, as the management

representative for most of the management officials named in the complaint is made aware along with management.

**(b)(6)(b)(7)(c)** (Reasonable Accommodation Coordinator).

**(b)(6)(b)(7)(c)** states she acted as the RA Coordinator working with management to accommodate Complainant. She states Complainant requested a modification to his current position to allow him to perform on 100% telework and under reduced performance standards of not accomplishing the fieldwork required of his position. She states during the week of 12 January 2016, Complainant's 1<sup>st</sup> level reviewed his request and determined that roughly, 50% of Complainant's work is not suitable for a 100% telework; therefore, the request was not an appropriate accommodation.

**(b)(6)(b)(7)(c)** then conducted an internal search for a light duty position that could be performed with Complainant's restrictions. On or about 1 March 2016, **(b)(6)(b)(7)(c)** identified an appropriate light duty assignment, specifically, performing as an outage coordinator. 1 March 2016, during the interactive discussion via phone between herself, **(b)(6)(b)(7)(c)** and Complainant, **(b)(6)(b)(7)(c)** explained his reasoning for not allowing Complainant to perform his ET duties. She states Complainant was in agreement with his assessment in terms of the position requirements. Further discussions centered on conflicting medical documentation. One document stated Complainant he could perform work involving operating a computer keyboard, the other said he could not, Complainant corrected the information stating he could perform sedentary administrative keystroke work. After, the medical clarification was made; **(b)(6)(b)(7)(c)** assigned Complainant the outage coordinator position, to which Complainant readily accepted.

#### 4. Summary of Informal Resolution Attempt:

The Alternative Dispute Resolution (ADR) process was fully explained to the Complainant during the initial interview. CP declined to participate in ADR. No other resolution options were attempted.

**(b)(6)(b)(7)(c)**

**(b)(6)(b)(7)(c)**

Equal Employment Specialist

**MANAGEMENT OFFICIAL – (b)(6)(b)(7)(c) EEO SPECIALIST/REASONABLE  
ACCOMMODATION MANAGER:**

George Karl (Aggrieved) has filed an EEO Complaint naming you a Responsible Management Official (RMO) in this matter. Please respond to each question(s) as concisely and expeditiously possible; provide any witnesses names, and/or supporting document you wish to have entered into the record.

*CLAIM(S): Was George Karl (Aggrieved) discriminated against on the bases of Disability – Physical (Pelvic Injury) and Reprisal for prior EEO activity (participation in multiple EEO Investigations) by (b)(6)(b)(7)(c) (EEO Specialist/Reasonable Accommodation Manager) when between 5 January and 2 March 2016 his chain of command failed to provide him a Reasonable Accommodation (Telework)?*

**Questions:**

1. What is your full name, title, pay plan, series, grade, and Organizational Position?  
**(b)(6)(b)(7)(c) Supervisory Contract Specialist, GS 1102, 13 (on detail to HRO as Human Resource and EEO Specialist)**
2. Do have a disability, if so, what is your disability?  
**Decline to state**
3. Have you ever been involve in prior EEO activity as a complainant or RMO?  
**No**
4. What is the organizational relationship between yourself and CP?  
**I do not have an organizational relationship with the CP.**

*Specifically address the claim/allegation in a statement format, responding to the questions below:*

1. Please discribe the role you played in processing the Aggrieved Request for a Reasonable Accommodation?

**I acted as the RA Coordinator working with management to accommodate Mr. Karl**

2. Were you aware of the Aggrieved prior EEO activity, if so, when did you become aware and how were you made aware?

**Yes, as an EEO Specialist I am aware of all EEO activity within the Command, I became aware in January when I started this detail.**

3. To your knowledge, who made the final decision on the appropriate RA for the Aggrieved?

**Mr. Karl's supervisor, (b)(6)(b)(7)(c)**

4. What resolution offer would you make in resolving this issue?

**None-Mr. Karl was afforded all of his rights and entitelments under the RA process.**



5. Do you have any other *relevant* information you wish to add?

Through the RA process Mr. Karl requested that his current position be modified to allow him to perform on 100% telework and under reduced performance standards. Mr. Karl's supervisor, (b)(6)(b)(7)(c), reviewed this request and determined that it was not an appropriate accommodation. (b)(6)(b)(7)(c) then conducted an internal search for light duty that could be performed with Mr. Karl's restrictions. On or about March 1, 2016, (b)(6)(b)(7)(c) identified an appropriate light duty assignment, specifically, performing as an outage coordinator. An interactive discussion was held, Mr. Karl agreed, and was assigned to perform the light duty the next day.

PRINT NAME: (b)(6)(b)(7)(c)  
SIGNATURE: (b)(6), (b)(7)(C)  
DATE: 5/18/16

Your signed/dated responses may be faxed to (b)(6)(b)(7)(c), attn.: (b)(6)(b)(7)(c), NAVFAC LANT, HRO, EEO Branch or as a PDF via email to (b)(6)(b)(7)(c)@navy.mil.

**MANAGEMENT OFFICIAL – (b)(6)(b)(7)(c) (HR SPECIALIST):**

George Karl (Aggrieved) has filed an EEO Complaint naming you a Responsible Management Official (RMO) in this matter. Please respond to each question(s) as concisely and expeditiously possible; provide any witnesses names, and/or supporting document you wish to have entered into the record.

*CLAIM(S): Was George Karl (Aggrieved) discriminated against on the bases of Disability – Physical (Pelvic Injury) and Reprisal for prior EEO activity (participation in multiple EEO Investigations) by (b)(6)(b)(7)(c) (HR Specialist) when between 5 January and 2 March 2016 his chain of command failed to provide him a Reasonable Accommodation (Telework)?*

**Questions:**

1. What is your full name, title, pay plan, series, grade, and Organizational Position?  
**(b)(6)(b)(7)(c)** Human Resources Labor Employee Relations Specialist, GS-0201-12, Business Department 3 (BD3)
2. Do have a disability, if so, what is your disability? NO
3. Have you ever been involve in prior EEO activity, if so, were you a complainant, witness, or RMO, ect..?

I have been involved in EEO activity in the past. I have been named as a witness in complaints and have been the HR POC regarding gathering Data Calls information from management officials for investigators on EEO cases. I have also participated in EEO cases as a management representative. I am not clear why I am named as the Responsible Management Official as I do not make decisions on employees. I provide advise and guidance to management to ensure they follow law, rule and regulations, management makes the decisions.

4. Who is your immediate supervisor?  
Laura Foss, Director, Labor and Employee Relations NAVFAC NW
5. What is the organizational relationship between yourself and CP?

I am not within the complainant's chain of command. The complainant's supervisor is my customer and I provide advice and guidance to management on Labor and Employee Relation Matters.

*Specifically address the claim/allegation in a statement format, responding to the questions below:*

1. Please describe, if any, the role you played in the processing the Aggrieved Request for a Reasonable Accommodation?

I represented management on the Reasonable Accommodation case. I participated in the interactive discussion with the complainant and management. The RA coordinator was present at this discussion. The Complainant was accommodated within his limitations on 1 March 2016, and he agreed to the accommodation in the meeting.

2. Were you aware of the Aggrieved prior EEO activity, if so, when did you become aware and how were you made aware?

Yes, I am aware that the complainant has prior EEO activity. I became aware of Complainant's Prior EEO complaint on or around February 2015. I was made aware By the NAVFAC EEO Officer informing me and management that complainat filed an EEO complaint. I am the

management representative for most of the management officials named in the complaintants EEO complainants.

3. What *resolution* offer would you make to assist in resolving this issue?

I do not see the need for any resolution offer as the complaint was accommodated and he agreed that he could perform the outage process.

4. Do you have any other *relevant* information you wish to add?

NO

PRINT NAME: (b)(6)(b)(7)(c)  
SIGNATURE: (b)(6)(b)(7)(c)  
DATE: 5/1/17

Your signed/dated responses may be faxed to (b)(6)(b)(7)(c), attn.: (b)(6)(b)(7)(c), NAVFAC LANT, HRO, EEO Branch or as a PDF via email to (b)(6)(b)(7)(c)@navy.mil.

**MANAGEMENT OFFICIAL – (b)(6)(b)(7)(c) :**

George Karl (Aggrieved) has filed an EEO Complaint naming you a Responsible Management Official (RMO) in this matter. Please respond to each question(s) as concisely and expeditiously possible; provide any witnesses names, and/or supporting document you wish to have entered into the record.

***CLAIM(S):** Was George Karl (Aggrieved) discriminated against on the bases of Disability – Physical (Pelvic Injury) and Reprisal for prior EEO activity (participation in multiple EEO Investigations) by (b)(6)(b)(7)(c) (1st level) when between 5 January and 2 March 2016 his chain of command failed to provide him a Reasonable Accommodation (Telework)?*

**Questions:**

1. What is your full name, title, pay plan, series, grade, and Organizational Position?  
(b)(6)(b)(7)(c) Macility Management Facility Services Branch Head, GS-1101-13, First Line Supervisor FMFS Branch.
2. Do have a disability, if so, what is your disability?  
No.
3. Have you ever been involve in prior EEO activity, if so, were you a complainant, witness, or RMO?  
Yes.
4. Who is your immediate supervisor?  
(b)(6)(b)(7)(c)
5. What is the organizational relationship between yourself and CP?  
Direct Report Employee
6. How would you characterize your relationship with the CP?  
Cordial

***Specifically address the claim/allegation in a statement format, responding to the questions below:***

1. Please discribe, if any, the role you played in the processing of the Aggrieved Request for a Reasonable Accommodation? (b)(6)(b)(7)(c) the RA Coordinator requested that I consider any and all work that Mr. Karl could be eligible to do given his condition and limitations. Additionally, I forwarded Mr. Karl a request for medical information received from (b)(6)(b)(7)(c) participated in an interactive discussion with Mr. Karl and (b)(6)(b)(7)(c) to discuss his limitations and potential accommodations, and ultimately approved Mr. Karl's reasonable accommodation agreed to during the interactive discussion.
2. Were you aware of the Aggrieved prior EEO activity, if so, when did you become aware and how were you made aware?  
Yes, I was named in prior complaints.
3. Who made the final decision (provide date of decision) on what would be the appropriate RA for the Aggrieved?  
I made the final decision on March 1, 2016.
4. The Aggrieved requested to performing his Engineering Technician work's administrative part along with other ET's administrative workload. Why was this not a reasonable request?  
Given the limitations set forth by Mr. Karl's physicians I was not able to assign him his normal duties as that would have required him to perform field work in the performance of those duties. I considered other ET's conducting the field work and reporting findings to Mr. Karl but felt that was not an effective or efficient use of time.
5. When did and how did (date and name of person making you aware) you become aware of the Aggrieved disability?  
I was made aware of Mr. Karl being involved in an accident on 6 January 2016. A subordinate employee told me and eventually I was contacted by Mr. Karl's wife.

6. *Why was the assignment of Outage Coordinator an appropriate RA for the Aggrieved situation?*  
The outage coordination duties were the only work that I had available that could be done while teleworking 100% of the time. It met the duties described by the physician.

7. *Were there any restrictions/changes placed on the Aggrieved performance and/or workload requirements, such as, meeting call-in, work product scheduling requirements, performance standards?*  
I requested that Mr. Karl check in and out with me daily, he was required to call into a regularly scheduled meeting every Monday at 1300, and that if he had scheduled appointments or leave that he make me aware ahead of time so the duties of Outage Coordinator could be transferred to another employee during that time.

8. *What resolution offer would you wish to make?*  
During the time that Mr. Karl was on RA he complied with the terms put forth or we mutually made exceptions that supported the duties of outage coordinator and Mr. Karl.

9. *Do you have any other relevant information you wish to add?*  
No.

PRINT NAME: (b)(6)(b)(7)(c)  
SIGNATURE: (b)(6)(b)(7)(c)  
DATE: 5/9/2016

Your signed/dated responses may be faxed to (b)(6)(b)(7)(c), attn.: (b)(6)(b)(7)(c), NAVFAC LANT, HRO, EEO Branch or as a PDF via email to (b)(6)(b)(7)(c)@navy.mil.



DEPARTMENT OF THE NAVY  
NAVAL FACILITIES ENGINEERING COMMAND, ATLANTIC  
6506 HAMPTON BLVD  
NORFOLK VA 23508-1278

IN REPLY REFER TO:

12713  
BD34/RDJ  
MAY 26 2016

MEMORANDUM

From: Deputy EEO Officer, EEO Branch, Human Resources Office  
Naval Facilities Engineering Command Atlantic, Room 315,  
Building Z-140, 9324 Virginia Avenue, Norfolk, VA 23511  
To: Mr. George Karl, 22588 Tree Farm Lane NE, Poulsbo, WA  
98370

Subj: (CORRECTED) NOTICE OF RECEIPT OF DISCRIMINATION COMPLAINT  
OF MR. GEORGE KARL V. RAY MABUS, SECRETARY OF THE NAVY,  
DOCKET NO. DON-16-44255-01683

Ref: (a) Notice of Receipt of Discrimination Complaint of  
11 May 16  
(b) Your discrimination complaint signed on 10 May 16

1. This notice corrects reference (a), paragraphs 1, 2, 6(a), 7(a), and 12.
2. As noted above reference (b), has been assigned agency docket number DON-16-44255-01683. Please include this docket number on all future correspondence or other documents regarding this complaint.
3. If your complaint is accepted, it will be investigated. The Department of the Navy is required to conduct an impartial and appropriate investigation of the complaint within 180 days of the filing of the complaint, unless the parties agree in writing to extend the investigation for not more than ninety (90) days. If you amend your complaint, the investigation will be completed within the earlier of 180 days of the last amendment to the complaint or 360 days after the filing of the original complaint. You will receive a copy of the investigative file and have an opportunity to request an immediate final agency decision or a hearing and decision by an Equal Employment Opportunity Commission (EEOC) Administrative Judge with final action by the Agency. If your complaint is dismissed, you have the right to appeal the dismissal and you will receive a separate written notice advising you of your appeal rights.

Subj: (CORRECTED) NOTICE OF RECEIPT OF DISCRIMINATION COMPLAINT  
OF MR. GEORGE KARL V. RAY MABUS, SECRETARY OF THE NAVY,  
DOCKET NO. DON-16-44255-01683

5. If settlement of the complaint is reached, the terms of the settlement will be stated, in writing, and you will be given a copy.

6. If settlement of the complaint is not reached, you will be notified, in writing, of your right to request a decision from the Secretary of the Navy, or a hearing and decision by an EEOC Administrative Judge with final action by the Agency.

a. If you request a hearing, your request must be forwarded directly to the Federal Office Building, 909 First Avenue, Suite 400, Seattle, WA 98104-1061, with a copy furnished to the Deputy EEO Officer, Attn: Code BD34, Human Resources Office, EEO Branch, Room 315, Building Z-140, 9324 Virginia Avenue, Norfolk, VA 23511-3095.

b. If you request a hearing, the hearing will be conducted by an EEOC Administrative Judge, who will issue a decision to the Secretary of the Navy, who will issue a final Department of the Navy order.

c. If you request a decision without a hearing, the Secretary of the Navy will issue a final Department of the Navy decision based on the information in the existing complaint file.

d. If you want a Secretary of the Navy decision, you must notify me in writing within 30 calendar days after receiving the investigative file, so that this office can make the necessary arrangements.

e. If, within 30 calendar days after your receipt of the investigative file, you fail to request a final decision from the Secretary of the Navy or a hearing from an EEOC Administrative Judge, a final Department of the Navy decision will be issued.

f. You may request a hearing on a consolidated complaint any time after 180 days from the date of the first-filed complaint, regardless of whether the investigation has been completed.

Subj: (CORRECTED) NOTICE OF RECEIPT OF DISCRIMINATION COMPLAINT  
OF MR. GEORGE KARL V. RAY MABUS, SECRETARY OF THE NAVY,  
DOCKET NO. DON-16-44255-016837.

7. If you are dissatisfied with the final Department of the Navy decision, or final action on your complaint, you may file a notice of appeal to the EEOC Office of Federal Operations (OFO) within 30 calendar days after receiving the final decision or final action. The appeal should be submitted to the:

Director, Office of Federal Operations  
Equal Employment Opportunity Commission  
P. O. Box 77960  
Washington, DC 20013

a. At the same time, you MUST furnish a copy of the appeal to the Deputy EEO Officer, Attn: Code BD34, Human Resources Office, EEO Branch, Room 315, Building Z-140, 9324 Virginia Avenue, Norfolk, VA 23511-3095. In or attached to the appeal to the EEOC, you must certify the date and method by which service was made on the Department of the Navy.

b. You may submit a brief or statement to support your appeal to OFO within 30 calendar days after filing the notice of appeal. At the same time, you must furnish a copy of the supporting brief or statement to the Department of the Navy, in care of the Deputy EEO Officer at the address shown above.

8. Instead of an appeal to the EEOC, you may file a civil action in an appropriate U.S. District Court within 90 calendar days after receiving the final Department of the Navy action or decision or, if the Department of the Navy has not issued a final action or decision on your complaint, after 180 calendar days from the date the formal complaint was filed. Filing a civil action will result in termination of administrative processing of your discrimination complaint on the same matters raised in the civil action.

9. If you file a civil action under Title VII of the Civil Rights Act of 1964, as amended, or the Rehabilitation Act of 1973, as amended, and you do not have or are unable to obtain the services of an attorney, you may request the court to appoint an attorney to represent you. In such circumstances as the court may deem just, the court may appoint an attorney and may authorize the commencement of the action without the payment of fees, costs, or security. Any such request must be made



Subj: (CORRECTED) NOTICE OF RECEIPT OF DISCRIMINATION COMPLAINT  
OF MR. GEORGE KARL V. RAY MABUS, SECRETARY OF THE NAVY,  
DOCKET NO. DON-16-44255-01683

within the above-referenced 90-calendar day time limit for filing suit and in such form and manner as the court may require. Filing a request for an attorney does not extend your time in which to file a civil action. Both the request and the civil action must be filed within 90 calendar days from the date you receive this decision.

10. You are further notified that if you file a civil action, you must name Ray Mabus, Secretary of the Navy, as the defendant. You must include the name of the person and the official title. Failure to name Ray Mabus, Secretary of the Navy, may result in the loss of any judicial redress to which you may be entitled.

11. If you decide to appeal to the EEOC OFO, you will still have an opportunity to file a civil action in a federal district court within 30 calendar days after receiving the EEOC's final decision, or 180 calendar days after the date of your initial appeal to the EEOC if a final decision has not been rendered.

12. If you have further questions, please contact (b)(6)(b)(7)(c) (b)(6)(b)(7)(c) at (b)(6)(b)(7)(c).

(b)(6)(b)(7)(c)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing (CORRECTED) NOTICE OF RECEIPT OF DISCRIMINATION COMPLAINT in the informal discrimination complaint of Mr. George Karl Docket No. DON-16-44255-01683 was mailed this date to the following:

ADDRESS

MR. GEORGE KARL  
22588 TREE FARM LANE NE  
POULSBORO WA 98370

(b)(6)(b)(7)(c)

(b)(6)(b)(7)(c)

MAIL METHOD

FEDEX

MAY 26 2016

DATE

"For timeliness purposes, it will be presumed that these notices were received within five (5) calendar days after it was mailed for delivery via regular mail."



DEPARTMENT OF THE NAVY  
NAVAL FACILITIES ENGINEERING COMMAND, ATLANTIC  
6506 HAMPTON BLVD  
NORFOLK VA 23508-1278

IN REPLY REFER TO:

12713  
BD34/RDJ  
MAY 11 2016

MEMORANDUM

From: Deputy EEO Officer, EEO Branch, Human Resources Office  
Naval Facilities Engineering Command Atlantic, Room 315,  
Building Z-140, 9324 Virginia Avenue, Norfolk, VA 23511  
To: Mr. George Karl, 22588 Tree Farm Lane NE, Poulsbo, WA  
98370

Subj: NOTICE OF RECEIPT OF DISCRIMINATION COMPLAINT OF  
MR. GEORGE KARL V. RAY MABUS, SECRETARY OF THE NAVY,  
DOCKET NO. DON-16-44255-01683

Ref: (a) Your discrimination complaint signed on 10 MAY 16

1. This notice acknowledges receipt of reference (a), filed on  
25 April 2016 and received in this office by Certified Mail on  
11 May 2016. VIA FAX

2. Be advised, (b)(6)(b)(7)(c) EEO Specialist, Code BD3,  
EEO Office, Naval Facilities Northwest, 1101 Tautog Circle,  
Silverdale, WA 98315 will service your formal complaint going  
forward. As noted above, your complaint has been assigned  
agency docket number DON-16-44255-01683. Please include this  
docket number on all future correspondence or other documents  
regarding this complaint.

3. If your complaint is accepted, it will be investigated. The  
Department of the Navy is required to conduct an impartial and  
appropriate investigation of the complaint within 180 days of  
the filing of the complaint, unless the parties agree in writing  
to extend the investigation for not more than ninety (90) days.  
If you amend your complaint, the investigation will be completed  
within the earlier of 180 days of the last amendment to the  
complaint or 360 days after the filing of the original  
complaint. You will receive a copy of the investigative file  
and have an opportunity to request an immediate final agency  
decision or a hearing and decision by an Equal Employment  
Opportunity Commission (EEOC) Administrative Judge with final  
action by the Agency.

Subj: NOTICE OF RECEIPT OF DISCRIMINATION COMPLAINT OF  
MR. GEORGE KARL V. RAY MABUS, SECRETARY OF THE NAVY,  
DOCKET NO. DON-16-44255-016834

If your complaint is dismissed, you have the right to appeal the dismissal and you will receive a separate written notice advising you of your appeal rights.

5. If settlement of the complaint is reached, the terms of the settlement will be stated, in writing, and you will be given a copy.

6. If settlement of the complaint is not reached, you will be notified, in writing, of your right to request a decision from the Secretary of the Navy, or a hearing and decision by an EEOC Administrative Judge with final action by the Agency.

a. If you request a hearing, your request must be forwarded directly to the Federal Office Building, 909 First Avenue, Suite 400, Seattle, WA 98104-1061, with a copy furnished to the EEO Specialist, Attn: Code BD3, EEO Office, Naval Facilities Northwest, 1101 Tautog Circle, Silverdale, WA 98315.

b. If you request a hearing, the hearing will be conducted by an EEOC Administrative Judge, who will issue a decision to the Secretary of the Navy, who will issue a final Department of the Navy order.

c. If you request a decision without a hearing, the Secretary of the Navy will issue a final Department of the Navy decision based on the information in the existing complaint file.

d. If you want a Secretary of the Navy decision, you must notify me in writing within 30 calendar days after receiving the investigative file, so that this office can make the necessary arrangements.

e. If, within 30 calendar days after your receipt of the investigative file, you fail to request a final decision from the Secretary of the Navy or a hearing from an EEOC Administrative Judge, a final Department of the Navy decision will be issued.

f. You may request a hearing on a consolidated complaint any time after 180 days from the date of the first-filed

Subj: NOTICE OF RECEIPT OF DISCRIMINATION COMPLAINT OF  
MR. GEORGE KARL V. RAY MABUS, SECRETARY OF THE NAVY,  
DOCKET NO. DON-16-44255-01683

complaint, regardless of whether the investigation has been completed.

7. If you are dissatisfied with the final Department of the Navy decision, or final action on your complaint, you may file a notice of appeal to the EEOC Office of Federal Operations (OFO) within 30 calendar days after receiving the final decision or final action. The appeal should be submitted to the:

Director, Office of Federal Operations  
Equal Employment Opportunity Commission  
P. O. Box 77960  
Washington, DC 20013

a. At the same time, you MUST furnish a copy of the appeal to the EEO Specialist, Attn: Code BD3, EEO Office, Naval Facilities Northwest, 1101 Tautog Circle, Silverdale, WA 98315. In or attached to the appeal to the EEOC, you must certify the date and method by which service was made on the Department of the Navy.

b. You may submit a brief or statement to support your appeal to OFO within 30 calendar days after filing the notice of appeal. At the same time, you must furnish a copy of the supporting brief or statement to the Department of the Navy, in care of the EEO Specialist, Attn: Code BD3, EEO Office, at the address shown above.

8. Instead of an appeal to the EEOC, you may file a civil action in an appropriate U.S. District Court within 90 calendar days after receiving the final Department of the Navy action or decision or, if the Department of the Navy has not issued a final action or decision on your complaint, after 180 calendar days from the date the formal complaint was filed. Filing a civil action will result in termination of administrative processing of your discrimination complaint on the same matters raised in the civil action.

9. If you file a civil action under Title VII of the Civil Rights Act of 1964, as amended, or the Rehabilitation Act of 1973, as amended, and you do not have or are unable to obtain the services of an attorney, you may request the court to

Subj: NOTICE OF RECEIPT OF DISCRIMINATION COMPLAINT OF  
MR. GEORGE KARL V. RAY MABUS, SECRETARY OF THE NAVY,  
DOCKET NO. DON-16-44255-01683

appoint an attorney to represent you. In such circumstances as the court may deem just, the court may appoint an attorney and may authorize the commencement of the action without the payment of fees, costs, or security. Any such request must be made within the above-referenced 90-calendar day time limit for filing suit and in such form and manner as the court may require. Filing a request for an attorney does not extend your time in which to file a civil action. Both the request and the civil action must be filed within 90 calendar days from the date you receive this decision.

10. You are further notified that if you file a civil action, you must name Ray Mabus, Secretary of the Navy, as the defendant. You must include the name of the person and the official title. Failure to name Ray Mabus, Secretary of the Navy, may result in the loss of any judicial redress to which you may be entitled.

11. If you decide to appeal to the EEOC OFO, you will still have an opportunity to file a civil action in a federal district court within 30 calendar days after receiving the EEOC's final decision, or 180 calendar days after the date of your initial appeal to the EEOC if a final decision has not been rendered.

12. If you have further questions, please contact (b)(6)(b)(7)(c) (b)(6)(b)(7)(c) at (b)(6)(b)(7)(c)

(b)(6)(b)(7)(c)

(b)(6)(b)(7)(c)

(b)(6)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF RECEIPT OF DISCRIMINATION COMPLAINT in the informal discrimination complaint of Mr. George Karl Docket No. DON-16-44255-01683 was mailed this date to the following:

ADDRESS

MR. GEORGE KARL  
22588 TREE FARM LANE NE  
POULSBO WA 98370

(b)(6)(b)(7)(c)

(b)(6)(b)(7)(c)

MAIL METHOD

FEDEX  
REGULAR MAIL

5/11/2016

DATE

"For timeliness purposes, it will be presumed that these notices were received within five (5) calendar days after it was mailed for delivery via regular mail."



DEPARTMENT OF THE NAVY  
NAVAL FACILITIES ENGINEERING COMMAND, ATLANTIC  
6506 HAMPTON BLVD  
NORFOLK VA 23508-1278

IN REPLY REFER TO:

12713

BD34/RDJ

MAY 11 2016

MEMORANDUM

From: Deputy EEO Officer, EEO Branch, Human Resources  
Office Naval Facilities Engineering Command Atlantic,  
Room 315, Building Z-140, 9324 Virginia Avenue, Norfolk,  
VA 23511-3095

To: Mr. George Karl, 22588 Tree Farm Lane NE, Poulsbo, WA  
98370

Subj: REQUEST FOR OBJECTIVE EVIDENCE OF COMPENSATORY DAMAGES  
IN YOUR FORMAL DISCRIMINATION COMPLAINT, AGENCY DOCKET  
NO. DON-16-44255-01683

Ref: (a) Your formal discrimination complaint filed on  
10 May 16

1. You should be aware that the Equal Employment Opportunity Commission's (EEOC) decision of Jackson v. Runyon addresses the availability and processing of claims for compensatory damages. Based on that decision and subsequent EEOC decisions, I am requesting that, if you have claimed or intend to claim compensatory damages, you provide an itemized account totaling the amount of any compensatory damages and how those damages are related to your complaint of alleged unlawful discrimination as referenced above.

2. Be advised that, if you have claimed or intend to claim compensatory damages, you should submit objective evidence such as statements concerning emotional pain or suffering, inconvenience, mental anguish, loss of enjoyment of life, injury to character or reputation, injury to credit standing, loss of health, and any other non-pecuniary losses or out-of-pocket expenses that may have been incurred, and how those damages are related to your complaint of discrimination. You are further advised that you may submit statements from others including family members, friends, or healthcare providers describing your mental anguish, its physical or behavioral manifestations, its duration and how the distress affects your day to day life both on and off the job, and how it is related to your current complaint.



Subj: REQUEST FOR OBJECTIVE EVIDENCE OF COMPENSATORY DAMAGES  
IN YOUR FORMAL DISCRIMINATION COMPLAINT, AGENCY DOCKET  
NO. DON-16-44255-01683

3. You are also advised that you must establish a connection between the alleged discriminatory action and the resulting injury.

4. Finally, be advised that any request for compensatory damages related to emotional pain and suffering may permit the Agency to seek personal and sensitive information from you in order to determine whether the injury is linked solely, partially, or not at all to the alleged discriminatory act.

5. If you have claimed or intend to claim compensatory damages, please provide your response to (b)(6)(b)(7)(c) EEO Specialist, Code BD3, EEO Office, Naval Facilities Northwest, 1101 Tautog Circle, Silverdale, WA 98315, within 30 calendar days of your receipt of this letter. If no response is received within 30 calendar days, the Agency may process your complaint in accordance with 29 Code of Federal Regulations, Section 1614.107, with the reasonable belief that there is no basis for any claim for compensatory damages.

6. If you have any questions regarding this matter, you may contact (b)(6)(b)(7)(c) at (b)(6)(b)(7)(c)

(b)(6)(b)(7)(c)

(b)(6)(b)(7)(c)

(b)(6)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing REQUEST FOR OBJECTIVE EVIDENCE OF COMPENSATORY DAMAGES in the formal discrimination complaint of Mr. George Karl Docket No. DON-16-44255-01683, was mailed this date to the following:

ADDRESS

MR. GEORGE KARL  
22588 TREE FARM LANE NE  
POULSBO WA 98370

MAIL METHOD

FEDEX  
REGULAR MAIL

(b)(6)(b)(7)(c)

(b)(6)(b)(7)(c)

5/11/2016  
DATE

"For timeliness purposes, it will be presumed that this notice was received within five (5) calendar days after it was mailed for delivery via regular mail."

**From:** [trackingupdates@fedex.com](mailto:trackingupdates@fedex.com)  
**To:** (b)(6)(b)(7)(c) CIV NAVFAC LANT, HRO  
**Subject:** [Non-DoD Source] FedEx Shipment 776316877520 Delivered  
**Date:** Thursday, May 12, 2016 12:51:12

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FedEx® <<http://fedex.com/?location=home>>  
Your package has been delivered

Tracking # 776316877520 <<https://www.fedex.com/insight/indit/nrp.jsp?tracknumbers=776316877520&opco=FX&language=en&clienttype=ivother>>

Ship date:  
Wed, 5/11/2016  
(b)(6)(b)(7)(c)  
NAVFAC MIDLANT  
NORFOLK, VA 23511  
US

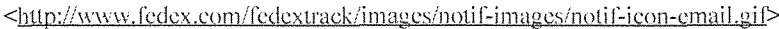
Delivery progress bar<<http://www.fedex.com/fedextrack/images/notif-images/notif-fedex-progress-bar-details-delivered.png>>

Delivered  
Delivery date:  
Thu, 5/12/2016 9:49 am  
MR. GEORGE KARL  
22588 TREE FARM LANE NE  
POULSBO, WA 98370  
US

#### Shipment Facts

Our records indicate that the following package has been delivered.

Tracking number: 776316877520 <<https://www.fedex.com/insight/indit/nrp.jsp?tracknumbers=776316877520&opco=FX&language=en&clienttype=ivother>>  
Status: Delivered: 05/12/2016 09:49 AM Signed for By: Signature not required  
Reference: 16-G-435  
Signed for by: Signature not required  
Delivery location: POULSBO, WA  
Delivered to: Residence  
Service type: FedEx Priority Overnight  
Packaging type: FedEx Envelope  
Number of pieces: 1  
Weight: 0.50 lb.  
Special handling/Services: Deliver Weekday  
Residential Delivery

 Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 11:50 AM CDT on 05/12/2016.

To learn more about FedEx Express, please go to [fedex.com](https://www.fedex.com) [<https://www.fedex.com>](https://www.fedex.com) .  
All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or go to [fedex.com](https://www.fedex.com) [<https://www.fedex.com>](https://www.fedex.com) .

This tracking update has been sent to you by FedEx at your request. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and terms of use, go to [fedex.com](https://www.fedex.com) [<https://www.fedex.com>](https://www.fedex.com) .

Thank you for your business.

**From:** [trackingupdates@fedex.com](mailto:trackingupdates@fedex.com)  
**To:** (b)(6)(b)(7)(c) CIV NAVFAC LANT, HRO  
**Subject:** [Non-DoD Source] FedEx Shipment 776316877520: Delivery scheduled for today  
**Date:** Thursday, May 12, 2016 12:03:38

---

FedEx® <<http://fedex.com/?location=home>>

Your delivery is scheduled for today, 05/12 by 12:00 pm

See "Preparing for Delivery" for helpful tips

Tracking # 776316877520 <<https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=776316877520&opco=FX&language=en&clienttype=ivother>>

Ship date:

Wed, 5/11/2016

(b)(6)(b)(7)(c)

NAVFAC MIDLANT

NORFOLK, VA 23511

US

Delivery progress bar <<http://www.fedex.com/fedextrack/images/notif-images/notif-fedex-progress-bar-details-in-transit.gif>>

In transit

Scheduled delivery:

Thu, 5/12/2016 by 12:00 pm

MR. GEORGE KARL

22588 TREE FARM LANE NE

POULSBO, WA 98370

US

#### Shipment Facts

Our records indicate that the following package is scheduled to be delivered to you:

Tracking number: 776316877520 <<https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=776316877520&opco=FX&language=en&clienttype=ivother>>

Status: On FedEx vehicle for delivery

Reference: 16-G-435

Service type: FedEx Priority Overnight

Packaging type: FedEx Envelope

Number of pieces: 1

Weight: 0.50 lb.

Special handling/Services: Deliver Weekday

#### Preparing for Delivery

To help ensure successful delivery of your shipment, please review the below.

Won't be in?

You may be able to hold your delivery at a convenient FedEx World Service Center or FedEx Office location

for pick up. Track your shipment to determine Hold at FedEx location availability.

<http://www.fedex.com/fedextrack/images/notif-images/notif-icon-email.gif> Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 11:03 AM CDT on 05/12/2016.

To learn more about FedEx Express, please go to [fedex.com](https://www.fedex.com) <https://www.fedex.com> .

All weights are estimated.

The shipment is scheduled for delivery on or before the scheduled delivery displayed above. FedEx does not determine money-back guarantee or delay claim requests based on the scheduled delivery. Please see the FedEx Service Guide for terms and conditions of service, including the FedEx Money-Back Guarantee, or contact your FedEx customer support representative.

To track the latest status of your shipment, click on the tracking number above, or go to [fedex.com](https://www.fedex.com) <https://www.fedex.com> .

This tracking update has been sent to you by FedEx at your request. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and terms of use, go to [fedex.com](https://www.fedex.com) <https://www.fedex.com> .

<https://www.fedex.com> .  
Thank you for your business.

**From:** [trackingupdates@fedex.com](mailto:trackingupdates@fedex.com)  
**To:** (b)(6)(b)(7)(c) CIV NAVFAC LANT, HRO  
**Subject:** [Non-DoD Source] FedEx Shipment 776316877520: Delivery scheduled for tomorrow  
**Date:** Wednesday, May 11, 2016 18:12:21

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FedEx® <<http://fedex.com/?location=home>>

Your delivery is scheduled for tomorrow, 05/12 by 12:00 pm

See "Preparing for Delivery" for helpful tips

Tracking # 776316877520 <<https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=776316877520&opco=FX&language=en&clienttype=ivother>>

Ship date:

Wed, 5/11/2016

(b)(6)(b)(7)(c)

NAVFAC MIDLANT

NORFOLK, VA 23511

US

Delivery progress bar<<http://www.fedex.com/fedextrack/images/notif-images/notif-fedex-progress-bar-details-picked-up.png>>

Picked up

Scheduled delivery:

Thu, 5/12/2016 by 12:00 pm

MR. GEORGE KARL

22588 TREE FARM LANE NE

POULSBO, WA 98370

US

#### Shipment Facts

Our records indicate that the following package is scheduled to be delivered to you:

Tracking number: 776316877520 <<https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=776316877520&opco=FX&language=en&clienttype=ivother>>

Status: Picked up

Reference: 16-G-435

Service type: FedEx Priority Overnight

Packaging type: FedEx Envelope

Number of pieces: 1

Weight: 0.50 lb.

Special handling/Services: Deliver Weekday

#### Preparing for Delivery

To help ensure successful delivery of your shipment, please review the below.

Won't be in?

You may be able to hold your delivery at a convenient FedEx World Service Center or FedEx Office location

for pick up. Track your shipment to determine Hold at FedEx location availability.

<http://www.fedex.com/fedextrack/images/notif-images/notif-icon-email.gif> Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 5:03 PM CDT on 05/11/2016.

To learn more about FedEx Express, please go to [fedex.com](https://www.fedex.com) <https://www.fedex.com> .

All weights are estimated.

The shipment is scheduled for delivery on or before the scheduled delivery displayed above. FedEx does not determine money-back guarantee or delay claim requests based on the scheduled delivery. Please see the FedEx Service Guide for terms and conditions of service, including the FedEx Money-Back Guarantee, or contact your FedEx customer support representative.

To track the latest status of your shipment, click on the tracking number above, or go to [fedex.com](https://www.fedex.com) <https://www.fedex.com> .

This tracking update has been sent to you by FedEx at your request. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and terms of use, go to [fedex.com](https://www.fedex.com) <https://www.fedex.com> .

<https://www.fedex.com> .  
Thank you for your business.



**From:** [trackingupdates@fedex.com](mailto:trackingupdates@fedex.com)  
**To:** (b)(6)(b)(7)(c) CIV NAVFAC LANT, HRO  
**Subject:** [Non-DoD Source] Tendered to FedEx  
**Date:** Wednesday, May 11, 2016 15:18:35

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FedEx® <<http://fedex.com/?location=home>>

This shipment was tendered to FedEx Express on 05/11/2016.

See "Preparing for Delivery" for helpful tips

Tracking # 776316877520 <<https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=776316877520&opco=FX&language=en&clienttype=ivother>>

Ship date:

Wed, 5/11/2016

(b)(6)(b)(7)(c)

NAVFAC MIDLANT  
NORFOLK, VA 23511  
US

Delivery progress bar<<http://www.fedex.com/fedextrack/images/notif-images/notif-fedex-progress-bar-details-picked-up.png>>

Picked up

Scheduled delivery:

Thu, 5/12/2016 by 12:00 pm

MR. GEORGE KARL

22588 TREE FARM LANE NE

POULSBO, WA 98370

US

#### Shipment Facts

Tracking number: 776316877520 <<https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=776316877520&opco=FX&language=en&clienttype=ivother>>

Reference: 16-G-435

Service type: FedEx Priority Overnight

Packaging type: FedEx Envelope

Number of pieces: 1

Weight: 0.50 lb.

Special handling/Services: Deliver Weekday

#### Preparing for Delivery

To help ensure successful delivery of your shipment, please review the below.

Won't be in?

You may be able to hold your delivery at a convenient FedEx World Service Center or FedEx Office location for pick up. Track your shipment to determine Hold at FedEx location availability.

<http://www.fedex.com/fedextrack/images/notif-images/notif-icon-email.gif> Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 2:17 PM CDT on 05/11/2016.

To learn more about FedEx Express, please go to [fedex.com](https://www.fedex.com) <https://www.fedex.com> .

All weights are estimated.

The shipment is scheduled for delivery on or before the scheduled delivery displayed above. FedEx does not determine money-back guarantee or delay claim requests based on the scheduled delivery. Please see the FedEx Service Guide for terms and conditions of service, including the FedEx Money-Back Guarantee, or contact your FedEx customer support representative.

To track the latest status of your shipment, click on the tracking number above, or go to [fedex.com](https://www.fedex.com) <https://www.fedex.com> .

This tracking update has been sent to you by FedEx at your request. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and terms of use, go to [fedex.com](https://www.fedex.com)

<https://www.fedex.com> .

Thank you for your business.

**From:** [trackingupdates@fedex.com](mailto:trackingupdates@fedex.com)  
**To:** (b)(6)(b)(7)(c) CIV NAVFAC LANT, HRO  
**Subject:** [Non-DoD Source] FedEx Shipment Notification  
**Date:** Wednesday, May 11, 2016 14:19:51

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FedEx® <<http://fedex.com/?location=home>>

This shipment is scheduled to be sent on 05/11/2016.

See "Preparing for Delivery" for helpful tips

Tracking # 776316877520 <<https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=776316877520&opco=FX&language=en&clienttype=ivother>>

Anticipated ship date:

Wed, 5/11/2016

(b)(6)(b)(7)(c)

NAVFAC MIDLANT

NORFOLK, VA 23511

US

Delivery progress bar<<http://www.fedex.com/fedextrack/images/notif-images/notif-fedex-progress-bar-details-initiated.gif>>

Initiated

Scheduled delivery:

Thu, 5/12/2016 by 12:00 pm

MR. GEORGE KARL

22588 TREE FARM LANE NE

POULSBO, WA 98370

US

#### Shipment Facts

Tracking number: 776316877520 <<https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=776316877520&opco=FX&language=en&clienttype=ivother>>

Reference: 16-G-435

Service type: FedEx Priority Overnight

Packaging type: FedEx Envelope

Number of pieces: 1

Weight: 0.50 lb.

Special handling/Services: Deliver Weekday

#### Preparing for Delivery

To help ensure successful delivery of your shipment, please review the below.

Won't be in?

You may be able to hold your delivery at a convenient FedEx World Service Center or FedEx Office location for pick up. Track your shipment to determine Hold at FedEx location availability.

<http://www.fedex.com/fedextrack/images/notif-images/notif-icon-email.gif> Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 1:18 PM CDT on 05/11/2016.

To learn more about FedEx Express, please go to [fedex.com](https://www.fedex.com) <https://www.fedex.com> .

All weights are estimated.

The shipment is scheduled for delivery on or before the scheduled delivery displayed above. FedEx does not determine money-back guarantee or delay claim requests based on the scheduled delivery. Please see the FedEx Service Guide for terms and conditions of service, including the FedEx Money-Back Guarantee, or contact your FedEx customer support representative.

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This tracking update has been sent to you by FedEx at your request. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and terms of use, go to [fedex.com](https://www.fedex.com)

<https://www.fedex.com> .

Thank you for your business.

(b)(6)(b)(7)(c)

## REQUEST FOR EXPRESS SHIPMENT

DATE: 5/11/2016

CONTACT NAME:

(b)(6)(b)(7)(c)

(b)(6)(b)(7)(c) EEO

ADDRESS:

9324 Virginia Ave.

ADDRESS 2:

Bldg. Z-140, Rm 315

CITY:

Norfolk

STATE:

VA

ZIP:

23511

PHONE #:

(b)(6)(b)(7)(c)

EMAIL:

(b)(6)(b)(7)(c)@navy.mil

If you would like a delivery receipt email

FROM

CONTACT NAME:

Mr. George Karl

ORGANIZATION / BUSINESS:

ADDRESS:

22588 Tree Farm Lane NE

ADDRESS 2:

(Include Building and Room # -- NO APO, FPO, PSC, UNIT, PO BOX)

CITY:

Poulsbo

STATE:

WA

ZIP:

98370

PHONE #:

(360) 396-4710

EMAIL: (not mandatory/only if they need receipt)

(required)



TO

DESCRIPTION OF SHIPMENT:

NOR and OBJ Evidence

JUSTIFICATION FOR EXPRESS SHIPMENT:

EEO

REQ DELIVERY DATE:

5/13/2016

# of PACKAGES

PACKAGE TYPE:



ENVELOPE



PAK



BOX



TUBE



YOUR OWN PACKAGE

( L x W x H)

DETAILS

REQUESTED BY:

(b)(6)(b)(7)(c)

(b)(6)(b)(7)(c)

SIGN / PRINT NAME

AUTHORIZED BY:

(b)(6)(b)(7)(c)

SIGN / PRINT NAME

WC:

HRO

JON:

8610000A2016

BILLING

\*\* PURCHASE CARD HOLDER USE ONLY \*\*

NAME OF EXPRESS COMPANY:

FedEx

TRACKING NUMBER:

REFERENCE NUMBER:

## FORMAL COMPLAINT OF DISCRIMINATION

RECEIVED  
(b) (6), (b) (7)(C)  
MAY 11 2016

(Agency Use Only)  
AGENCY DOCKET NO.

DON-16-44255-01683

1. Name of Complainant  
(Last, First, MI)

Karl, George F.

2. Are you being represented?

☐ YES (If so, complete 2a-2c below)

☒ NO (Continue with Question No. 3)

1a. Address (incl: City, State, Zip)+

PO Box 2921  
Poulsbo WA 98370

2a. Name of Representative

—

2b. Address (incl: City, State, Zip)

—

1b. Home Telephone (incl: area code)

360-710-0691

2c. Work Telephone (incl: area code)

Comm: ( ) —

DSN:

3. Are you now working for the Department of the Navy?

☒ YES (Complete 3a-3b)

☐ NO (Continue with Question No. 4)

3a. Name of Activity where you work:

NAVFAC NW

3b. Street Address of your activity  
(incl: City, State, Zip)

1101 Tautog Circle  
Silverdale WA 98315-1101

4. Present Job Title, Series and Grade:

Engineering Technician 0802 GS-11

5. Name and address of Navy Activity you believe discriminated against you (if different from 3a-3b):

—

6. Date(s) on which most recent alleged discrimination occurred:

Month January

Day 12

Year 2016

+ Ongoing

## FORMAL COMPLAINT OF DISCRIMINATION

(Agency Use Only)  
 AGENCY DOCKET NO.  
 DON-16-44255-01683

7. You believe you were discriminated against on the basis of your:  
 (Check below)

<input type="checkbox"/>	RACE (If so, state your race)	<input type="checkbox"/>	NATIONAL ORIGIN (If so, state origin)
<input type="checkbox"/>	COLOR (If so, state your color)	<input type="checkbox"/>	SEX Male Female
<input type="checkbox"/>	RELIGION (If so, state your religion)	<input type="checkbox"/>	AGE Date of Birth
<input checked="" type="checkbox"/>	DISABILITY (Please describe) Mental Physical <i>in wheelchair from Pelvis Lumbist injury</i>		
<input checked="" type="checkbox"/>	REPRISAL (If so, date and description of prior protected activity) <i>Various dates from February 2014 to present. My other EEO complaints and co-workers numerous EEO complaints I participated in are on record with NAVFAC</i>		

8. Have you discussed your complaint with an EEO Counselor?

☒ YES ☐ NO

Name of Counselor: **(b)(6)(b)(7)(c)**

Date of Initial EEO Contact: *varies, contacted NAVFAC NW first, then they sent to Muel*

Date of Final Interview: *5 May 2016*

9. EXPLAIN SPECIFICALLY HOW YOU WERE DISCRIMINATED AGAINST (That is, treated differently from other employees or applicants, because of your race, color, religion, sex, national origin, age, mental or physical disability, or reprisal.) (If your complaint involves more than one allegation, list and number each allegation separately and furnish specific, factual information in support of each.)

Allegation No. 1 (include basis(es) (See Question No. 7):

*See attached original*

(Use additional sheets if necessary)

## FORMAL COMPLAINT OF DISCRIMINATION

(Agency Use Only)  
 AGENCY DOCKET NO.  
 DON-16-44255-01683

10. WHAT SPECIFIC CORRECTIVE ACTION DO YOU WANT TAKEN ON YOUR COMPLAINT?  
 (If your complaint involves more than one allegation, state corrective action desired for each separate allegation.)

*See attached settlement offer desired by NAVFAC NW on 5-9-16*

11. WITH REGARD TO THE ALLEGATIONS DESCRIBED IN Question No. 9, HAVE YOU:

*N/A for now*

- ☐ filed a grievance through the negotiated grievance procedure?  
 If so, date filled \_\_\_\_\_.
- ☐ filed an appeal with the Merit Systems Protection Board? If so, date  
 filed \_\_\_\_\_.
- ☐ filed a civil action in U.S. District Court? If so, date filed  
 \_\_\_\_\_.

12. Signature of Complainant

*G. G. Karl*

13. Date Signed

*10 MAY 16*

TO BE COMPLETED BY THE ACTIVITY

*Please email me confirmation [george.karl@live.com](mailto:george.karl@live.com)*

14a. Received by:

**(b)(6)(b)(7)(c)**

(Signature)

b. Typed Name & Title

**(b)(6)(b)(7)(c)**

**EEO SPECIALIST**

c. Activity Name and Address:

Human Resources Office, Norfolk  
 EEO Programs Department, Code BD34  
 9324 Virginia Avenue, Room 315  
 Norfolk, VA 23511-3095

d. Telephone (incl: area code)

Comm: **(b)(6)(b)(7)(c)**

Fax **(b)(6)(b)(7)(c)**

15. Complaint was:

☐ Mailed:

**(b)(6), (b)(7)(C)**

**FAXED: 10 MAY 2016 MAY 11 2016**

Postmark date \_\_\_\_\_

Received date \_\_\_\_\_

☐ Hand Delivered:

Date \_\_\_\_\_



**EEO COMPLAINT      FORMAL****AGENCY USE ONLY****CASE #: DON-16-44255-01683**

The following information is requested in order to expedite processing an allegation of discrimination under 29 CFR 1614 (the Equal Employment Opportunity Commission's regulations concerning Federal Sector Equal Employment Opportunity Complaints Processing).

**I. GENERAL INFORMATION**

1. Name: George Karl
2. SSN (Non-Employee only): N/A
3. Job Title: Engineering Technician Pay Plan & Grade: GS-0802-11 Step 6  
Code/Shop/Organization: NBK Bangor Public Works Department
4. Work Phone: 360-396-4710 Home Phone: (360) 710-0691
5. Home Address: PO Box 2921 Apt/Unit # N/A  
City/State/Zip: Poulsbo, WA 98370  
E-mail address: george.karl@navy.mil or george.karl@live.com
6. Supervisor's Name: (b)(6)(b)(7)(c) Phone: (b)(6)(b)(7)(c)

**II. DESCRIPTION OF ALLEGED DISCRIMINATORY INCIDENT(S) AND RELIEF REQUESTED**

1. Please identify the alleged discriminatory incident(s) and the date(s) on which the incident(s) occurred, attach additions pages if necessary. Incidents must be brought to the attention of an EEO Counselor within 45 calendar days of the date of the alleged discrimination. If it is beyond 45 calendar days, please state why:

Bases explanation:

Timeline

On January 5, 2016 I was rear-ended at 50-55 mph by a car while on my motorcycle waiting to make a left turn off a highway. I was flown by medical helicopter to Harborview Medical Center in Seattle for immediate pelvis surgery to repair the broken pelvis. My left wrist was also broken and placed in a cast. I would remain hospitalized for 8 days before returning home to begin 3 months recovering while restricted to a wheelchair.

On January 6, 2016 My family updated NAVFAC NW and my supervisor of the accident and my condition, which was obviously a very serious injury and it was also obvious I would be out of work for several weeks to recover.

On January 12, 2016 I sent my supervisor, (b) (6), (b) (7)(C) a request to telework for reasonable accommodation by email.

On January 15, 2016 Harborview Medical Center provided a letter of my injuries and work restriction which I provided to NAVFAC NW and my supervisor. Again, my condition was OBVIOUS and should have not required any further documentation per the EEOC which states -- "*In many instances, both the disability and the type of accommodation required will be obvious, and thus there may be little or no need to engage in any discussion.*" NAVFAC NW and my supervisor were well aware early on of my condition.

On January 16, 2016 (b) (6), (b) (7)(C) sent me more forms to fill out. A Consent to Release medical documents and a Request for Medical Documentation. The Consent form also violates the law as the Consent to Release my medical documents was written that ALL my documents would be released to NAVFAC NW vice only the relevant documents and had no expiration date. The Request for Medical Documentation for "clarifying medical information so Command can properly assess your request" should not have been needed with such an obvious and well documented injury. The request stated that "reasonable documentation may be required to support the existence of a disability and the need for accommodation." The documents already provided along with X-rays, etc. make it VERY obvious of my condition and therefore removed the need for further documentation. The documents previously provided were "reasonable" enough to support the existence of a disability.

Per the EEOC:

*Question: Are there situations in which an employer cannot ask for documentation in response to a request for reasonable accommodation?*

*Answer: Yes. An employer cannot ask for documentation when:*

- (1) both the disability and the need for reasonable accommodation are obvious, or*
- (2) the individual has already provided the employer with sufficient information to substantiate that s/he has an ADA disability and needs the reasonable accommodation requested.*

On January 20, 2016 I provided NAVFAC NW and my supervisor with "Request for Leave or Approved Absence" form, again with supporting medical documentation from Harborview Medical Center AND a "Request for Leave or Approved Absence" form. Again,

## AGENCY USE ONLY

CASE #: DON-16-44255-01683**EEO COMPLAINT FORMAL**

this clearly defined all the required information for reasonable accommodation requests and no further information or discussions should have been required. NAVFAC NW and my supervisor continued to find new forms for me to fill out to intentionally cause unnecessary delay of my progress by having to continually re-submit previously provided information. Each time I asked for a status I seemed I was met with yet another form to fill out.

On January 28, 2016 I again provided (b) (6), (b) (7)(C) with all the information required or necessary to provide me with teleworking as my reasonable accommodation. I provided a "Confirmation of Reasonable Accommodation Request" form that AGAIN spelled out all my medical condition and requested teleworking.

On January 30, 2016 I provided a letter to my supervisor from Harborview Medical Center that my prognosis was up to one year to recover.

On January 31, 2016 I provided X-rays of my pelvis surgery to again show my obvious medical condition.

On February 1, 2016 (b) (6), (b) (7)(C) emailed me that "The administrative process has started" and "We will need to have an interactive discussion this week". I feel this discussion was not necessary as my medical condition was obvious. Per the EEOC which states -- "*In many instances, both the disability and the type of accommodation required will be obvious, and thus there may be little or no need to engage in any discussion.*" I never heard back from (b) (6), (b) (7)(C) on this discussion that was to happen "this week". The administrative process should have started on January 12, 2016... 20 days earlier.

On February 12, 2016 After waiting for the interactive discussion call that never happened, I sent an email to (b) (6), (b) (7)(C) asking why ANOTHER 2 weeks have passed without any movement on my reasonable accommodation request or the interactive phone call that was supposed to happen 2 weeks ago and never did.

On February 16, 2016 I received a letter, "Request for Medical Documentation", from (b) (6), (b) (7)(C) again requesting the same medical documentation that was previously provided a month earlier. That letter stated I was found to meet the criteria of a "qualified individual with a disability" yet further documentation is still being requested? I again sent the SAME documents that I had previously sent as it was yet another duplicate request from (b) (6), (b) (7)(C).

The EEOC states -- "*As an alternative to requesting documentation, an employer may simply discuss with the person the nature of his/her disability and functional limitations.*" This never happened, NAVFAC NW and my supervisor deliberately continued to find ways to unnecessarily delay the process by taking the hardest, most time consuming route possible.

On February 22, 2016 I sent my chain of command an email in response to my previously reported medical condition informing them that I had, 19 days earlier, provided the information they were asking for AGAIN.

On February 29, 2016 I received an email from (b) (6), (b) (7)(C) that she needed my phone number to "call me tomorrow". All of NAVFAC NW management has my recall information and personal phone number as does my supervisor. I informed her by email that I would be filing this EEO complaint for intentionally causing unnecessary delays in the processing of a reasonable accommodation request for an obvious medical condition in which the request (teleworking) was very simple to quickly approve. I considered NAVFAC NW's non-responsiveness to my reasonable accommodation request a de facto denial of my request. This threat apparently got the ball rolling again.

On March 1, 2016 I finally received the interactive discussion phone call. I requested doing my previous Engineering Technician work's administrative part (along with other ET's admin work) and those ET's could support any field inspections while I did their admin work. This offer was vehemently refused and I was forced to take a new position as Outage Coordinator against my objections.

On March 2, 2016 I received an email stating my reasonable accommodation request was approved to start March 2, 2016 along with a "requirements letter" from (b) (6), (b) (7)(C). I was assigned duties of Outage Coordinator, a position that required high importance and "time sensitive" processing of outage requests. I had not received ANY training whatsoever for this position and it was not the position I had asked for (continuing my Engineering Technician work). This new position was literally forced upon me as a "take it or leave it" situation. I was also held to stricter processing requirement than the person (b) (6), (b) (7)(C) who is not only a very experienced Outage Coordinator, but he "wrote the instruction" for the position. The Union was not consulted on the change in my working conditions. I had other conditions placed upon me such as calling in to the Outage Meetings at 1300 every Monday yet I was given no number to call. This is disparate treatment to have a totally untrained person thrown into such a critical position and then be held to higher performance standards than the person currently holding the position. It is also a non-vacant position that I was forced into.

From notification of my reasonable accommodation request on January 12, 2016 to approval on March 2, 2016 was a full 50 days due to deliberately causing unnecessary delays!

**EEO COMPLAINT      FORMAL****AGENCY USE ONLY****CASE #: DON-16-44255-01683**

Per the EEOC:

*An employer should respond expeditiously to a request for reasonable accommodation. If the employer and the individual with a disability need to engage in an interactive process, this too should proceed as quickly as possible. Similarly, the employer should act promptly to provide the reasonable accommodation. Unnecessary delays can result in a violation of the ADA.*

On March 2, 2016 I emailed my supervisor that I was starting telework at 0700 and that "Since I don't know what the Outage Coordinator does, now what?" He sent (b) (6), (b) (7)(C) to my home for "training me" for an hour or so.

On March 6, 2016 I emailed my supervisor that I was falling behind on the Outage Coordinator job due to lack of training and requested overtime to work through a learning curve. I also informed my chain of command that this was not what I was anticipating for a reasonable accommodation. No one in command would listen to my objections.

DON CHRM Subchapter 1606.t. states that "Employees and/or applicants for employment shall:

- (1) Immediately notify their first-level supervisor or RA POC when it is determined that some form of reasonable accommodation is required in order to perform the essential function(s) of their position of record.
- (2) Actively participate in the interactive discussion portion of the reasonable accommodation process.
- (3) Provide medical documentation, if requested, as part of the reasonable accommodation process."

Item 1 was completed on January 12, 2016 by email.

Item 2 should not have been required as my condition was OBVIOUS but an interactive discussion was finally held on March 1, 2016.

Item 3 was completed several times on several forms but initially done on January 15, 2016.

Based on the foregoing, I allege that the Agency discriminated against me based on Title I of the Americans with Disabilities Act of 1990 and as continual reprisal for participation in earlier EEO activities on file with NAVFAC NW and listed below.

2. For each of the incidents addressed above, please check one or more of the boxes below and specify your protected class which you believe motivated the agency to take the alleged discriminatory action:

- |   |  |
|---|--|
| <input type="checkbox"/> Race:  | <input type="checkbox"/> National Origin:                |
| <input type="checkbox"/> Color:   | <input type="checkbox"/> Religion:                       |
| <input type="checkbox"/> Sex    Female:                      Male:  | <input type="checkbox"/> Age (must be at least 40). DOB: |
| <input checked="" type="checkbox"/> Physical Disability*:   | <input type="checkbox"/> Mental Disability*:             |
| <input type="checkbox"/> Genetic Information:   |  |
| <input checked="" type="checkbox"/> Reprisal for participation in an EEO complaint or opposition to an unlawful EEO practice. Please specify your prior EEO activity and the date of that activity. |  |

*I am also being retaliated against for my participation in multiple employment discrimination proceedings and participation in multiple EEO investigations along with speaking out against such actions happening to myself and other employees. The (b) (6), (b) (7)(C) investigation active around February 2014, currently being a witness for (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) in 2014/2015 and my own active EEO complaint DON DOCKET NO. 15-44255-00726.*

\*If you are alleging discrimination based on a disabling condition, you may need to provide medical documentation in order to substantiate you have a disability as defined under 29 CFR 1614.203.

3. Please identify the code/shop/organization and management official(s) you believe discriminated against you.

Code/Shop/Organization: NAVFAC NW:

(b) (6), (b) (7)(C)

4. Please identify witnesses who, through firsthand knowledge, can substantiate the discrimination occurred.

Witnesses: N/A

5. Please state the corrective action desired. (What will resolve this matter?)

**EEO COMPLAINT FORMAL****AGENCY USE ONLY****CASE #: DON-16-44255-01683**

- a. Documented true disciplinary action against the offenders forceful enough to deter any possible thought of reoccurrence, recorded in the harasser(s) official files, SF-50 and performance evaluations to reflect EEO failures, and not just the boilerplate statement from management such as "appropriate action has been taken".
- b. Maximum monetary damages per each law, rule, policy violation that has occurred.
- c. Relocate harassers outside of my regular work area and not offer relocation of ME from their regular work area.
- d. Any finding of reprisal/retaliation/violation of law or making false statements by any managerial staff, those people are to be removed from Federal service for the efficiency of the service as they have proven they will not change their ways or be rehabilitated.
- e. Recoup all annual leave used, travel comp time used, sick leave used in relationship to any of the above issues and the handling thereof. Anticipated 50 days of leave used.
- f. Backpay in full for the 50 days of leave used.
- g. 100% of all fees incurred in defending myself to include but not limited to: attorney fees, parking, ferry, vehicle mileage, tolls, referral services, attorney referral services, attorney consultation fees, with interest.
- h. NAVFAC NW to provide one 8 hour training session on Title VII discrimination and issues to all Lead ET's, Supervisors and Management personnel. Provide an additional 4 hour training session on Title VII retaliation.
- i. NAVFAC NW to provide one 8 hour training session on Title I of the Americans with Disabilities Act of 1990 to all Lead ET's, Supervisors and Management personnel. Provide an additional 4 hour training session on Reasonable Accommodation.
- j. Document performance evaluation as Supervision: Unacceptable, EEO: Unacceptable, Safety: Unacceptable, in Brian Van Woudenberg's official APAS report 2014/2015.
- k. Place 11"x17" min. size poster on every official NAVFAC bulletin board stating that NAVFAC NW has violated ADA and EEO laws to remain in place for 5 years.

*See also attempted settlement agreement discussed by NAVFAC NW on 5-9-16*

**III. RIGHT TO ANONYMITY AND REPRESENTATION**

1. You have the right to remain anonymous during the informal EEO process. Do you wish to remain anonymous?  
☒ No ☐ Yes
2. You have the right to be represented anytime during the complaint process. If you choose to have a representative you must designate, in writing, the name, address, and phone number of your representative:

Representative's Name:

Phone:

E-mail address:

Code/shop/organization or if attorney, please state:

Address:

Apt/Unit #

City/State/Zip:

**IV. OTHER**

1. Have you filed with the Merit System Protection Board (MSPB), or filed a negotiated grievance with the union, or an administrative grievance regarding the same issue?
2. ☒ No ☐ Yes Date filed \_\_\_\_\_ With whom \_\_\_\_\_
3. Would you consider utilizing a form of Alternative Dispute Resolution? ☒ No ☐ Yes  
 (If both parties agree, counseling will be extended up to 90 total days)

Signature

Date

**EEO COMPLAINT    FORMAL****AGENCY USE ONLY****CASE #: DON-16-44255-01683****PRIVACY ACT STATEMENT**

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (PL-93-579), which requires that Federal agencies must inform individuals, who are requested to furnish information about themselves, the following facts concerning the information requested.

1. **AUTHORITY:** The Department of the Navy discrimination procedures are authorized by 42 USC 2000E-16, the Equal Employment Act of 1972.
2. **PRINCIPLE PURPOSE:** The information requested is needed to establish the case records and to assist Department of Navy officials in the processing of the complaint.
3. **ROUTINE USES:** This form and the information furnished thereon will be used by Department of Navy officials in the performance of their official duties related to the processing of the complaint. In addition, it will be used, when needed, by a hearing examiner, investigator, arbitrator, or by representatives of the Office of Personnel Management, Department of Justice, and the courts concerned with the processing of a complaint and special cases.
4. **MANDATORY OR VOLUNTARY DISCLOSURE:** The information you provide is entirely voluntary and will be protected as confidential in accordance with the policies, procedures, and safeguards adopted under the Privacy Act. If you do not furnish the information requested on the attached form, there will be no adverse consequences to you.

No Signature is required on this statement

*Denied by Age 1*  
*045-a-16*

**SETTLEMENT AGREEMENT  
IN THE EQUAL EMPLOYMENT OPPORTUNITY (EEO) COMPLAINT OF  
GEORGE KARL, SECRETARY OF THE NAVY,  
AGENCY DOCKET NO. 16-44255-01683**

1. The Department of the Navy, Naval Facilities Engineering Command Northwest, hereinafter the Agency, and George Karl, hereinafter Complainant, hereby voluntarily enter into the following agreement in settlement of Complainant's informal Equal Employment Opportunity (EEO) complaint docket number DON 16-44255-01683 filed on 5 April 2016, hereinafter called the complaint. This agreement represents the entire agreement between the parties. This Settlement Agreement shall be effective upon the signature of both parties and is a joint product of the Complainant and the Agency.

2. The parties agree to the following:

a. The Agency will:

- (1) Recoup Complainant's sick leave used between 19 January 2016 and 5 March 2016, in the amount of 151.5 hours of sick leave, recoup all advanced sick leave used and replace with regular back pay.
- (2) Recoup Complainant's annual leave used between 19 January 2016 and 5 March 2016, in the amount of 78 hours of annual leave and replace with regular back pay.
- (3) Acknowledge its obligation under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-16, not to take reprisal action against Complainant for filing a discrimination complaint.
- (4) Acknowledge the terms of this agreement apply to this complaint only.
- (5) Admit that agency officials were deficient in granting the reasonable accommodation and violated Title VII of the Civil Rights Act of 1964, as amended, the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act of 1990 as amended, the Age Discrimination in Employment Act of 1967, as amended, and other Federal or State statutes or regulations when the agency unnecessarily delayed its response to the Complainant's request for reasonable accommodation.
- (6) Stop all discriminatory practices against Complainant and take steps to prevent discrimination in the future by providing one 8 hour training session on Title VII discrimination and an additional 4 hour training session on Title VII retaliation, to all Lead Engineering Technicians, Supervisors and Management personnel.
- (7) Provide one 8 hour training session on Title I of the Americans with Disabilities Act of 1990 and an additional 4 hour training session on Reasonable

**SETTLEMENT AGREEMENT - AGENCY DOCKET NO. 16-44255-01683**

Accommodation, to all Lead Engineering Technicians, Supervisors and Management personnel.

(8) Document on (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) 2016 NAVAL FACILITIES ENGINEERING COMMAND NORTHWEST PERFORMANCE PLAN, SUPERVISORY CRITICAL ELEMENTS, Section 2: EQUAL EMPLOYMENT OPPORTUNITY (EEO) as UNACCEPTABLE.

(9) Pay Complainant compensatory damages in the amount of \$100,000.00 for severe emotional harm, mental anguish, loss of health, loss of enjoyment of life, sleeplessness, family relationship strain and inconvenience while Complainant was actively recovering from a debilitating and stressful motorcycle accident.

(10) Place 11"x17" minimum size poster on every official NAVFAC bulletin board stating that NAVFAC NW has violated ADA and EEO laws, poster to remain in place for the maximum time allowed by law.

b. Complainant will:

(1) Withdraw Informal/Formal EEO complaint DON No. 16-44255-01683.

3. Complainant understands and agrees that any claimed violation, breach, or failure to perform any of the commitments described in this agreement by the Department of the Navy shall be raised in writing within 30 calendar days of the date the complainant became aware of the alleged noncompliance, and processed in accordance with 29 CFR 1614.504. This written notice should be sent to:

NAVFAC NORTHWEST  
EEO Office  
1101 Tautog Circle  
Silverdale WA 98315

If the Department of the Navy has not responded to the complainant in writing, or if the complainant is not satisfied with the attempts to resolve the matter, the complainant may appeal to the Equal Employment Opportunity Commission for a determination as to whether the Department of the Navy has complied with the terms of this Settlement Agreement. The appeal must be submitted to:

Director, Office of Federal Operations  
Equal Employment Opportunity Commission  
Post Office Box 77960  
Washington, DC 20013

4. Complainant may file such an appeal 35 calendar days after service of the allegation of noncompliance on the Department of the Navy but no later than 30 calendar days after receipt of the Department of the Navy determination.

**SETTLEMENT AGREEMENT - AGENCY DOCKET NO. 16-44255-01683**

5. Any provision of this Settlement Agreement declared or determined by any court, administrative tribunal, to be illegal or invalid will not affect the validity of the remaining provisions.
6. By signing this agreement, Complainant certifies to have had the opportunity to review this settlement Agreement with an attorney or representative of his choice.
7. This Agreement is in effect upon signing by all parties below.

\_\_\_\_\_  
George Karl, Complainant

\_\_\_\_\_  
(b) (6), (b) (7)(C), for the Agency

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE



12713  
BD34/RDJ

MAY 05 2016

MEMORANDUM

From: EEO Specialist, EEO Branch, Human Resources Office,  
Naval Facilities Engineering Command Atlantic, Room 315,  
Building Z-140, 9324 Virginia Avenue, Norfolk, VA 23511  
To: Mr. George Karl, 22588 Tree Farm Lane NE, Poulsbo, WA 98370  
Subj: NOTICE OF FINAL INTERVIEW/RIGHT TO FILE A DISCRIMINATION  
COMPLAINT IN DON-16-44255-01683  
Ref: (a) Department of the Navy Discrimination Complaints Management  
Manual  
(b) 29 CFR 1614  
Encl: (1) Complaint Form (OCPM 12713/2)

1. This is notice that a final interview was conducted via phone on 5 May 2016, in regards to the matter you presented to our office in your counseling session held on 14 April 2016, and has not been resolved. You initially contacted the Naval Facilities Engineering Command Northwest (NAVFAC NW) office on 5 April 2016 to raise an allegation of discrimination on the basis of Disability - Physical (Pelvic Injury) and Reprisal for prior EEO activity (participation in multiple EEO Investigations) by (b)(6)(b)(7)(c) (1st level), and (b)(6)(b)(7)(c) (Human Resources Specialist), and (b)(6)(b)(7)(c) (Reasonable Accommodation Manager) among others of your chain-of-command at Naval Facilities Engineering Command, Northwest, Public Works Department, NBK Bangor, WA when between 5 January and 2 March 2016 a Reasonable Accommodation.

2. Traditional Counseling failed to resolve the matter. In accordance with 29 CFR 1614.105(d), you are now entitled to receive notice of your right to file a discrimination complaint. Please be advised that if you believe you have been discriminated against on the basis of race, color, religion, sex, age, national origin, disability, and/or reprisal for participating in protected EEO activity, you have the right to file a complaint of discrimination within 15 calendar days after receipt of this Notice. If you do not file a complaint within this time, your complaint may be dismissed as untimely.

3. If you file a complaint, it must be in writing and filed in person, by mail, or facsimile, within 15 calendar days of receipt of this Notice. If you do file a discrimination complaint, you will receive a written notice of receipt of same.

Subj: NOTICE OF FINAL INTERVIEW/RIGHT TO FILE A DISCRIMINATION  
COMPLAINT IN DON-16-44255-01683

a. If filed in person, the complaint should be hand-delivered within the allotted 15 calendar days to the Deputy Director EEO, Human Resources Office, EEO Branch, Room 315, Building Z-140, 9324 Virginia Avenue, Norfolk, VA 23511-3095.

b. If mailed, the complaint must be addressed to the Deputy Director, Attn: Code BD34, Human Resources Office, EEO Branch, Building Z-140, 9324 Virginia Avenue, Norfolk, VA 23511-3095, and must be postmarked within the 15-calendar day time limit.

c. If forwarded by facsimile, please transmit to (757) 341-0144, and call (757) 341-2400 to verify receipt.

4. The issues in the formal complaint, as discussed previously with me, and the matter giving rise to the complaint must be sufficiently precise to describe generally the action(s) or practice(s) that form the basis of the complaint. Failure to provide this information may result in the dismissal of your complaint for failure to state a claim. If you add issues that are not part of the existing claim or are not like or related to the pending claim, those issues will be returned to you for further counseling. The complaint must also state whether you have filed a grievance under a negotiated grievance procedure or an appeal to the Merit Systems Protection Board on the same subject matter, including the date on which a grievance or an appeal was filed. This information is necessary for the Department of the Navy to determine whether your complaint is appropriate for processing under references (a) and (b). Enclosure (1) is provided for your use should you choose to file a complaint under reference (a).

5. Please be advised that if you retain an attorney or any other person to represent you, you must submit a written Designation of Representative form to the address shown above in paragraph 3b, to include the name, mailing address, and phone number of your representative. Failure to provide this information will result in official correspondence being mailed directly to you until an official Designation of representative form has been received.

6. If you have any questions in this matter, please call me at (b)(6)(b)(7)(c). Please be advised, however, that the 15-calendar day period within which your formal complaint must be filed begins with your receipt of this Notice.

(b)(6)(b)(7)(c)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF RIGHT TO FILE  
A DISCRIMINATION COMPLAINT of Mr. George Karl, Docket No.  
DON-16-44255-01683 was mailed this date to the following:

ADDRESS

MR GEORGE KARL  
22588 Tree Farm Lane NE  
POUILSBORO, WA 98370

MAIL METHOD

FEDERAL EXPRESS  
REGULAR MAIL

(b)(6)(b)(7)(c)

(b)(6)(b)(7)(c)

5/5/2016

DATE

"For timeliness purposes, it will be presumed that this notice was  
received within five (5) calendar days after it was mailed for  
delivery via mail."

# FORMAL COMPLAINT OF DISCRIMINATION

(Agency Use Only)  
 AGENCY DOCKET NO.  
 DON-16-44255-01683

1. Name of Complainant  
 (Last, First, MI)

2. Are you being represented?

☐ YES (If so, complete 2a-2c below)

☐ NO (Continue with Question No. 3)

1a. Address (incl: City, State, Zip)+

2a. Name of Representative

2b. Address (incl: City, State, Zip)

1b. Home Telephone (incl: area code)

2c. Work Telephone (incl: area code)

Comm: ( )

DSN:

3. Are you now working for the Department of the Navy?

3a. Name of Activity where you work:

☐ YES (Complete 3a-3b)

☐ NO (Continue with Question No. 4)

3b. Street Address of your activity  
 (incl: City, State, Zip)

4. Present Job Title, Series and Grade:

5. Name and address of Navy Activity you believe discriminated against you (if different from 3a-3b):

6. Date(s) on which most recent alleged discrimination occurred:

Month

Day

Year

FORMAL COMPLAINT OF DISCRIMINATION

(Agency Use Only)  
AGENCY DOCKET NO.  
DON-16-44255-01683

7. You believe you were discriminated against on the basis of your:  
(Check below)

<input type="checkbox"/>	RACE (If so, state your race)	<input type="checkbox"/>	NATIONAL ORIGIN (If so, state origin)
<input type="checkbox"/>	COLOR (If so, state your color)	<input type="checkbox"/>	SEX Male Female
<input type="checkbox"/>	RELIGION (If so, state your religion)	<input type="checkbox"/>	AGE Date of Birth
<input type="checkbox"/>	DISABILITY (Please describe) Mental Physical		
<input type="checkbox"/>	REPRISAL (If so, date and description of prior protected activity)		

8. Have you discussed your complaint with an EEO Counselor?

☐ YES ☐ NO

Name of Counselor:

Date of Initial EEO Contact:

Date of Final Interview:

9. EXPLAIN SPECIFICALLY HOW YOU WERE DISCRIMINATED AGAINST (That is, treated differently from other employees or applicants, because of your race, color, religion, sex, national origin, age, mental or physical disability, or reprisal.) (If your complaint involves more than one allegation, list and number each allegation separately and furnish specific, factual information in support of each.)

Allegation No. 1 (include basis(es) (See Question No. 7):

(Use additional sheets if necessary)

FORMAL COMPLAINT OF DISCRIMINATION

(Agency Use Only)  
 AGENCY DOCKET NO.  
 DON-16-44255-01683

10. WHAT SPECIFIC CORRECTIVE ACTION DO YOU WANT TAKEN ON YOUR COMPLAINT?  
 (If your complaint involves more than one allegation, state corrective  
 action desired for each separate allegation.)

11. WITH REGARD TO THE ALLEGATIONS DESCRIBED IN Question No. 9, HAVE YOU:

- ☐ filed a grievance through the negotiated grievance procedure?  
 If so, date filled \_\_\_\_\_.
- ☐ filed an appeal with the Merit Systems Protection Board? If so, date  
 filed \_\_\_\_\_.
- ☐ filed a civil action in U.S. District Court? If so, date filed  
 \_\_\_\_\_.

12. Signature of Complainant

13. Date Signed

TO BE COMPLETED BY THE ACTIVITY

14a. Received by:

\_\_\_\_\_  
 (Signature)

b. Typed Name & Title

c. Activity Name and Address:

Human Resources Office, Norfolk  
 EEO Programs Department, Code BD34  
 9324 Virginia Avenue, Room 315  
 Norfolk, VA 23511-3095

d. Telephone (incl: area code)

Comm: (757) 341-2400

Fax (757) 341-0144

15. Complaint was:

☐ Mailed:

Postmark date \_\_\_\_\_

Received date \_\_\_\_\_

☐ Hand Delivered:

Date \_\_\_\_\_

**From:** trackingupdates@fedex.com  
**To:** (b)(6)(b)(7)(c) CIV NAVFAC LANT, HRO  
**Subject:** [Non-DoD Source] FedEx Shipment 776274027041 Delivered  
**Date:** Friday, May 06, 2016 18:11:18

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FedEx® <<http://fedex.com/?location=home>>

Your package has been delivered

Tracking # 776274027041 <<https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=776274027041&opco=FX&language=en&clienttype=ivother>>

Ship date:

Thu, 5/5/2016

(b)(6)(b)(7)(c)

NAVFAC MIDLANT

Norfolk, VA 23511

US

Delivery progress bar<<http://www.fedex.com/fedextrack/images/notif-images/notif-fedex-progress-bar-details-delivered.png>>

Delivered

Delivery date:

Fri, 5/6/2016 10:50 am

Mr. George Karl

22588 Tree Farm Lane NE

POULSBO, WA 98370

US

#### Shipment Facts

Our records indicate that the following package has been delivered.

Tracking number: 776274027041 <<https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=776274027041&opco=FX&language=en&clienttype=ivother>>

Status: Delivered: 05/06/2016 10:50 AM Signed for By: Signature not required

Reference: 16-G-412

Signed for by: Signature not required

Delivery location: POULSBO, WA

Delivered to: Residence

Service type: FedEx Priority Overnight

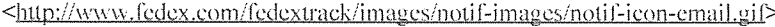
Packaging type: FedEx Envelope

Number of pieces: 1

Weight: 0.50 lb.

Special handling/Services: Deliver Weekday

Residential Delivery

 Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 5:11 PM CDT on 05/06/2016.

To learn more about FedEx Express, please go to [fedex.com](https://www.fedex.com) <https://www.fedex.com> .  
All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or go to [fedex.com](https://www.fedex.com) <https://www.fedex.com> .

This tracking update has been sent to you by FedEx at your request. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and terms of use, go to [fedex.com](https://www.fedex.com) <https://www.fedex.com> .

Thank you for your business.



**From:** [trackingupdates@fedex.com](mailto:trackingupdates@fedex.com)  
**To:** (b)(6)(b)(7)(c) CIV NAVFAC LANT, HRO  
**Subject:** [Non-DoD Source] FedEx Shipment Notification  
**Date:** Thursday, May 05, 2016 14:49:24

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FedEx® <<http://fedex.com/?location=home>>

This shipment is scheduled to be sent on 05/05/2016.

See "Preparing for Delivery" for helpful tips

Tracking # 776274027041 <<https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=776274027041&opco=FX&language=en&clienttype=ivother>>

Anticipated ship date:

Thu, 5/5/2016

(b)(6)(b)(7)(c)

NAVFAC MIDLANT

Norfolk, VA 23511

US

Delivery progress bar<<http://www.fedex.com/fedextrack/images/notif-images/notif-fedex-progress-bar-details-initiated.gif>>

Initiated

Scheduled delivery:

Fri, 5/6/2016 by 12:00 pm

Mr. George Karl

22588 Tree Farm Lane NE

POULSBO, WA 98370

US

#### Shipment Facts

Tracking number: 776274027041 <<https://www.fedex.com/insight/findit/nrp.jsp?tracknumbers=776274027041&opco=FX&language=en&clienttype=ivother>>

Reference: 16-G-412

Service type: FedEx Priority Overnight

Packaging type: FedEx Envelope

Number of pieces: 1

Weight: 1.00 lb.

Special handling/Services: Deliver Weekday

#### Preparing for Delivery

To help ensure successful delivery of your shipment, please review the below.

Won't be in?

You may be able to hold your delivery at a convenient FedEx World Service Center or FedEx Office location for pick up. Track your shipment to determine Hold at FedEx location availability.

<http://www.fedex.com/fedextrack/images/notif-images/notif-icon-email.gif> Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 1:48 PM CDT on 05/05/2016.

To learn more about FedEx Express, please go to [fedex.com](https://www.fedex.com) <https://www.fedex.com> .

All weights are estimated.

The shipment is scheduled for delivery on or before the scheduled delivery displayed above. FedEx does not determine money-back guarantee or delay claim requests based on the scheduled delivery. Please see the FedEx Service Guide for terms and conditions of service, including the FedEx Money-Back Guarantee, or contact your FedEx customer support representative.

To track the latest status of your shipment, click on the tracking number above, or go to [fedex.com](https://www.fedex.com) <https://www.fedex.com> .

This tracking update has been sent to you by FedEx at your request. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and terms of use, go to [fedex.com](https://www.fedex.com) <https://www.fedex.com> .

Thank you for your business.

(b)(6)(b)(7)(c)

## REQUEST FOR EXPRESS SHIPMENT

DATE: 5/5/2016

FROM

CONTACT NAME: (b)(6)(b)(7)(c) EEO

ADDRESS: 9324 Virginia Ave.

ADDRESS 2: Bldg. Z-140, Rm 315

CITY: Norfolk STATE: VA ZIP: 23511

PHONE #: (b)(6)(b)(7)(c) EMAIL: (b)(6)(b)(7)(c)@navy.mil

*If you would like a delivery receipt email*

TO

CONTACT NAME: Mr. George Karl

ORGANIZATION / BUSINESS:

ADDRESS: 22588 Tree Farm Lane NE

ADDRESS 2:

*(Include Building and Room # -- NO APO, FPO, PSC, UNIT, PO BOX)*

CITY: Poulsbo STATE: WA ZIP: 98370

PHONE #: (360) 396-4710 EMAIL: (not mandatory/only if they need receipt) +

*(required)*

DETAILS

DESCRIPTION OF SHIPMENT: Notice of Right to File

JUSTIFICATION FOR EXPRESS SHIPMENT: EEO

REQ DELIVERY DATE: 5/5/2016 # of PACKAGES

PACKAGE TYPE: ☒ ENVELOPE ☐ PAK ☐ BOX ☐ TUBE

☐ YOUR OWN PACKAGE ( L x W x H)

BILLING

REQUESTED BY: (b)(6)(b)(7)(c) (b)(6)(b)(7)(c) SIGN / PRINT NAME

AUTHORIZED BY: (b)(6)(b)(7)(c) (b)(6)(b)(7)(c) SIGN / PRINT NAME

WC: HRO JON: 8610000A2016

## \*\* PURCHASE CARD HOLDER USE ONLY \*\*

NAME OF EXPRESS COMPANY: FedEx

TRACKING NUMBER:

REFERENCE NUMBER:

**PRECOMPLAINT ELECTION FORM**

In accordance with 29 CFR § 1614, you are hereby advised that Alternative Dispute Resolution (ADR) is available and you may elect to engage in either the Department of Navy's ADR Process or Traditional Precomplaint EEO Counseling. If you indicate below that you are interested in ADR, you will be advised if management also agrees to participate.

           I wish to use the Alternative Dispute Resolution (ADR) Process for my EEO concerns, if management agrees to participate. I understand that this decision is final and once I elect ADR the traditional EEO counseling process will cease and the focus will be on resolution of my issues using a mediator. I further understand that if resolution is not achieved that I retain the right to file a formal complaint of discrimination at the conclusion of the precomplaint process.

    X     I wish to use Traditional Precomplaint EEO Counseling.

           I have no interest in pursuing this matter in the EEO process and hereby wish to withdraw my contact.

           I have no interest in pursuing my concerns in the EEO process and wish to withdraw my contact, but would be interested in a referral to the ADR Program Manager for information about ADR for non-EEO related workplace disputes.

          *R. E. Karl*            
COMPLAINT NAME

          April 14 2016            
DATE

12713  
BD34

APR 14 2016

MEMORANDUM

From: Equal Employment Specialist, EEO Branch, Human Resources  
Office Naval Facilities Engineering Command Atlantic,  
Room 315, Building Z-140, 9324 Virginia Avenue, Norfolk,  
VA 23511

To: Mr. George Karl, P. O. Box 2921, Poulsbo, WA 98370

Subj: NOTICE OF AGGRIEVED PERSON'S RIGHTS AND RESPONSIBILITIES

Encl: (1) Right to Representation and Official Time

1. This is to notify you that you have the following rights and responsibilities regarding the processing of your complaint. It is important that you understand each of these, as they may affect the way in which your complaint is processed. Please acknowledge these by placing your initials where indicated:

a. In my role as EEO Counselor, I am not an advocate for either you or the agency.

GEV  
(Initials)

b. You have the right to representation throughout the complaint process including the counseling stage. If you obtain a representative, you must provide written notice of your representative's name, address, and telephone number. If you designate an attorney as your representative, service of documents and decisions shall be made on the attorney and timeframes for receipt of materials shall be computed from the time of receipt by the attorney.

B&K  
(Initials)

c. As an agency employee, you are entitled to a reasonable amount of official time to prepare and present your complaint; you and your supervisor should arrive at a mutual understanding as to the amount of official time to be used before you use such time. Enclosure (1) provides additional information on use of official time.

B&K  
(Initials)

APR 14 2016

DESIGNATION OF REPRESENTATIVE

I hereby designate the following as my representative for my EEO complaint:

Name of Representative: N/A at this time

Title of Representative: \_\_\_\_\_

Home Address and Telephone Number of Representative:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. G. Kaur  
Employee's Signature

April 14 2016  
Date

Subj: NOTICE OF AGGRIEVED PERSON'S RIGHTS AND RESPONSIBILITIES

d. Prior to filing a formal complaint, you have the right to anonymity. If you chose to remain anonymous, your anonymity is only protected during the informal stage of the complaint process. If you file a formal complaint, your anonymity is no longer protected. **Note:** Please be advised that anonymity will not be protected in cases of statements made to the assigned EEO Counselor with respect to waste, fraud, abuse, and the intent to commit bodily harm, either to yourself or others. In such instances, this office has the obligation to notify the appropriate authorities, which may include your employing command. Anonymity will also not be protected in cases involving allegations of sexual and non-sexual harassment. Do you wish to remain anonymous?

Circle One: YES

☒ NO

AGK  
(Initials)

e. In presenting or processing a discrimination complaint, you will be free from restraint, interference, coercion, harassment, discrimination and reprisal.

AGK  
(Initials)

f. You must keep this office and EEOC informed of your current mailing address and serve copies of hearing requests and appeal papers on this office. Your complaint may be dismissed for failure to pursue if you cannot be located.

AGK  
(Initials)

g. If you are an employee covered by a collective bargaining agreement that permits allegations of discrimination to be raised in a negotiated grievance procedure:

(1) You have the right to file an EEO complaint or grievance and raise the matter of alleged employment discrimination under either 29 CFR § 1614 or the negotiated grievance procedure, but not both.

(2) If you file under 29 CFR § 1614, you may not thereafter file a grievance on the same matter. An election to proceed under a negotiated grievance procedure is indicated by the filing of a timely written grievance.

Subj: NOTICE OF AGGRIEVED PERSON'S RIGHTS AND RESPONSIBILITIES

(3) If your collective bargaining agreement allows allegations of discrimination and you raise these allegations in the grievance, you will not be allowed to later file an EEO discrimination complaint on the same issue.

BSK  
(Initials)

h. You may be required to choose between the EEO complaint procedure and an appeal to the Merit Systems Protection Board.

(1) If the subject of the action is appealable to the Merit Systems Protection Board (MSPB), you may file a complaint with the EEO Office or an appeal with MSPB, but not both.

(2) Whichever is filed first will be considered an election to proceed in that forum. If you file a mixed case appeal with MSPB instead of a mixed case complaint and MSPB dismisses the appeal for jurisdictional reasons, you have the right to contact an EEO Counselor within 45 days of receipt of the notice and to file an EEO complaint. The date on which you file your appeal with MSPB will be deemed to be the date of the initial contact with the Counselor. If you file a timely appeal with MSPB from the processing of a mixed case complaint and MSPB dismisses it for jurisdictional reasons, you may have the right to a hearing before an EEOC AJ.

BSK  
(Initials)

i. As an alternative to filing an administrative complaint, you have the right to file a civil action in a U.S. District Court under the Age Discrimination in Employment Act (ADEA) against the Department of the Navy after giving the EEOC not less than 30 days notice in writing of the intent to file such an action. The notice must be submitted by mail, personal delivery, or facsimile within 180 days of the occurrence of the alleged unlawful practice.

The notice must be mailed to:

Equal Employment Opportunity Commission  
Office of Federal Operations  
ATTN: Federal Sector Programs  
P.O. Box 19848  
Washington, DC 20036



Subj: NOTICE OF AGGRIEVED PERSON'S RIGHTS AND RESPONSIBILITIES

Or hand delivered to:

Equal Employment Opportunity Commission  
Office of Federal Operations  
Appellate Review Programs  
131 M Street N.E.  
Washington, DC 20507-0004

Or sent by Fax to:

(202) 663-7022

  
(Initials)

j. If you are alleging sex-based wage discrimination under the Equal Pay Act (EPA), you have the right to go directly to the U.S. District Court even though such claims are also cognizable under Title VII of the Civil Rights Act of 1964 as amended in 1991. A civil action must be filed within **2 years** of the date of the occurrence, or within **3 years** of this date if the administrative complaint does not toll (waive) the time for filing a civil action.

  
(Initials)

k. You have the right to choose between Alternative Dispute Resolution (ADR) or EEO counseling, where the agency agrees to participate in ADR. You will be provided additional information about each procedure. Please be advised the agency may decline to participate or offer ADR on a case by case basis.

  
(Initials)

1. You have the right to receive in writing a Notice of Right to File a Discrimination Complaint after a time period of no more than 90 days (where you agree in writing to an extension):

(1) Traditional counseling will be for a period of 30 days. Any extension of the counseling period may not exceed an **additional 60-calendar days**. Where notice is not provided and no extension is secured you have the right to file a formal complaint after the 30th day.

(2) Where you agree to participate in an established alternative dispute resolution program, the written notice terminating the counseling period will be issued upon unsuccessful completion of the dispute resolution process or

Subj: NOTICE OF AGGRIEVED PERSON'S RIGHTS AND RESPONSIBILITIES

within **90-calendar days** of the first contact, whichever is earlier.

(3) This notice will inform you of the appropriate official with whom to file a formal complaint.

SSK  
(Initials)

m. You have the right to file a formal complaint, a class complaint, and/or a civil action.

(1) You have 15 calendar days from receipt of the Notice of Right to File to file a formal complaint of discrimination.

(2) Only the matter(s) raised during informal counseling (or issues like or related to issues raised during informal counseling) may be alleged in a subsequent formal complaint filed with the EEO Office.

(3) The issues in the formal complaint, which were discussed with the Equal Employment Opportunity (EEO) Office, and the matter giving rise to the complaint, must be sufficiently precise to describe the action(s) or practice(s) that form the basis of the complaint. Subchapter 1614.1 Revised February 2009 2 - 2 2.

(4) You may amend a complaint at any time prior to the conclusion of the investigation to include issues or claims like or related to those raised in the complaint. After requesting a hearing, you may file a motion with the administrative judge to amend a complaint to include issues or claims like or related to those raised in the complaint.

SSK  
(Initials)

n. If you have filed two or more complaints, the agency must consolidate them after appropriate notice to you in accordance with 29 CFR 1614.606. When a complaint has been consolidated with one or more earlier complaints, the agency shall complete its investigation within the earlier of 180 days after the filing of the last complaint or 360 days of the filing of the first complaint.

SSK  
(Initials)

Subj: NOTICE OF AGGRIEVED PERSON'S RIGHTS AND RESPONSIBILITIES

o. You have the right to request a hearing before an Equal Employment Opportunity Commission (EEOC) Administrative Judge (AJ) (except in a mixed case). You have 30 days after receipt of the official record/investigative report to request a hearing before an EEOC AJ. If the official record/investigation is not completed and you have not agreed to extend the period of time to complete the investigation, you may request a hearing at any time after 180 days has elapsed from the filing of the complaint. Your request should be made directly to the Charlotte EEOC District Office (129 West Trade Street, Suite 400, Charlotte, NC 28202) if you are employed within the Hampton Roads metropolitan area, and you must notify this EEO Office at the address shown above of your hearing request.

GSK  
(Initials)

p. You have the right to an immediate final decision after an investigation by the agency in accordance with 29 CFR 1614.108(f).

GSK  
(Initials)

q. You have the right to go to U.S. District Court 180 calendar days after filing a formal complaint if no final action has been taken on the complaint, or 180 days after filing an appeal if no decision has been issued on your appeal.

GSK  
(Initials)

r. Your rejection of an agency's offer of resolution made pursuant to 29 CFR 1614.109(c) may limit the amount of attorney's fees or costs you can recover.

GSK  
(Initials)

s. If you are a prevailing party and you are seeking damages, you may have to show how you determined them and understand that they may be subject to reduction. You must mitigate damages, i.e., you must look for other appropriate employment and you must seek treatment for any injury you claim.

GSK  
(Initials)

Subj: NOTICE OF AGGRIEVED PERSON'S RIGHTS AND RESPONSIBILITIES

t. If you are a prevailing party as a result of your discrimination complaint, you could be eligible for possible remedies and you have the right to relief to include a request for compensatory damages. If the final agency action results in a finding of discrimination and/or reprisal, you are entitled to relief. Relief may include backpay, retroactive personnel actions, expunging or correcting records, attorney's fees, compensatory damages, and any other applicable relief. If you claim compensatory damages, you are required to provide objective evidence of compensatory damages and how they were caused by the alleged discrimination and/or reprisal.

JSU  
(Initials)

2. You should carefully read this notice and retain it for future reference. If you have any questions about the above, please contact me at (b)(6)(b)(7)(c).

(b)(6)(b)(7)(c)

I have received and have had explained to me this Notice on the date specified:

JSU Kuef  
COMPLAINANT'S NAME

April 14 2016  
DATE RECEIVED

**(b)(6)(b)(7)(c) CIV NAVFAC LANT, HRO**

---

**From:** George Karl <george.karl@live.com>  
**Sent:** Thursday, April 14, 2016 18:16  
**To:** (b)(6)(b)(7)(c) CIV NAVFAC LANT, HRO  
**Subject:** [Non-DoD Source] RE: Intial Counseling  
**Attachments:** George\_Karl\_EEO forms.pdf

> From: (b)(6)(b)(7)(c)@navy.mil  
> To: george.karl@live.com; (b)(6)(b)(7)(c)@navy.mil; (b)(6)(b)(7)(c)@navy.mil  
> Subject: Intial Counseling  
> Date: Mon, 11 Apr 2016 18:00:08 +0000  
>  
> Mr. Karl,  
>  
> Per our conversation today, your initial counseling session will be Thursday, April 14, 2016 at 10:00 AM (your time),  
1PM our time via telephone 360-710-0691.  
>  
> Please review the attached Notice of Rights and Responsibilities, sign and date and have available to fax/PDF the  
document prior to your counseling session to EEO Specialist (b)(6)(b)(7)(c) (b)(6)(b)(7)(c)  
>  
> If you have questions, please let (b)(6)(b)(7)(c) know directly and do not sign and date prior to the counseling  
session.  
>  
>

**EEO COMPLAINT (INFORMAL)**

The following information is requested in order to expedite processing an allegation of discrimination under 29 CFR 1614 (the Equal Employment Opportunity Commission's regulations concerning Federal Sector Equal Employment Opportunity Complaints Processing).

**I. GENERAL INFORMATION**

1. Name: George Karl
2. SSN (Non-Employee only): N/A
3. Job Title: Engineering Technician Pay Plan & Grade: GS-0802-11 Step 6  
Code/Shop/Organization: NBK Bangor Public Works Department
4. Work Phone: 360-396-4710 Home Phone: (360) 710-0691
5. Home Address: PO Box 2921 Apt/Unit # N/A  
City/State/Zip: Poulsbo, WA 98370  
E-mail address: george.karl@navy.mil or george.karl@live.com
6. Supervisor's Name: (b)(6)(b)(7)(c) Phone: (b)(6)(b)(7)(c)

**II. DESCRIPTION OF ALLEGED DISCRIMINATORY INCIDENT(S) AND RELIEF REQUESTED**

1. Please identify the alleged discriminatory incident(s) and the date(s) on which the incident(s) occurred, attach additions pages if necessary. Incidents must be brought to the attention of an EEO Counselor within 45 calendar days of the date of the alleged discrimination. If it is beyond 45 calendar days, please state why:

Bases explanation:

Timeline

On January 5, 2016 I was rear-ended at 50-55 mph by a car while on my motorcycle waiting to make a left turn off a highway. I was flown by medical helicopter to Harborview Medical Center in Seattle for immediate pelvis surgery to repair the broken pelvis. My left wrist was also broken and placed in a cast. I would remain hospitalized for 8 days before returning home to begin 3 months recovering while restricted to a wheelchair.

On January 6, 2016 My family updated NAVFAC NW and my supervisor of the accident and my condition, which was obviously a very serious injury and it was also obvious I would be out of work for several weeks to recover.

On January 12, 2016 I sent my supervisor (b)(6)(b)(7)(c) a request to telework for reasonable accommodation by email.

On January 15, 2016 Harborview Medical Center provided a letter of my injuries and work restriction which I provided to NAVFAC NW and my supervisor. Again, my condition was OBVIOUS and should have not required any further documentation per the EEOC which states -- "*In many instances, both the disability and the type of accommodation required will be obvious, and thus there may be little or no need to engage in any discussion.*" NAVFAC NW and my supervisor were well aware early on of my condition.

On January 16, 2016 (b)(6)(b)(7)(c) sent me more forms to fill out. A Consent to Release medical documents and a Request for Medical Documentation. The Consent form also violates the law as the Consent to Release my medical documents was written that ALL my documents would be released to NAVFAC NW vice only the relevant documents and had no expiration date. The Request for Medical Documentation for "clarifying medical information so Command can properly assess your request" should not have been needed with such an obvious and well documented injury. The request stated that "reasonable documentation may be required to support the existence of a disability and the need for accommodation." The documents already provided along with X-rays, etc. make it VERY obvious of my condition and therefore removed the need for further documentation. The documents previously provided were "reasonable" enough to support the existence of a disability.

Per the EEOC:

*Question: Are there situations in which an employer cannot ask for documentation in response to a request for reasonable accommodation?*

*Answer: Yes. An employer cannot ask for documentation when:*

- (1) both the disability and the need for reasonable accommodation are obvious, or*
- (2) the individual has already provided the employer with sufficient information to substantiate that s/he has an ADA disability and needs the reasonable accommodation requested.*

On January 20, 2016 I provided NAVFAC NW and my supervisor with "Request for Leave or Approved Absence" form, again with supporting medical documentation from Harborview Medical Center AND a "Request for Leave or Approved Absence" form. Again,

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this clearly defined all the required information for reasonable accommodation requests and no further information or discussions should have been required. NAVFAC NW and my supervisor continued to find new forms for me to fill out to intentionally cause unnecessary delay of my progress by having to continually re-submit previously provided information. Each time I asked for a status it seemed I was met with yet another form to fill out.

On January 28, 2016 I again provided (b)(6)(b)(7)(c) with all the information required or necessary to provide me with teleworking as my reasonable accommodation. I provided a "Confirmation of Reasonable Accommodation Request" form that AGAIN spelled out all my medical condition and requested teleworking.

On January 30, 2016 I provided a letter to my supervisor from Harborview Medical Center that my prognosis was up to one year to recover.

On January 31, 2016 I provided X-rays of my pelvis surgery to again show my obvious medical condition.

On February 1, 2016 (b)(6)(b)(7)(c) emailed me that "The administrative process has started" and "We will need to have an interactive discussion this week". I feel this discussion was not necessary as my medical condition was obvious. Per the EEOC which states -- "*In many instances, both the disability and the type of accommodation required will be obvious, and thus there may be little or no need to engage in any discussion.*" I never heard back from (b)(6)(b)(7)(c) on this discussion that was to happen "this week". The administrative process should have started on January 12, 2016... 20 days earlier.

On February 12, 2016 After waiting for the interactive discussion call that never happened, I sent an email to (b)(6)(b)(7)(c) asking why ANOTHER 2 weeks have passed without any movement on my reasonable accommodation request or the interactive phone call that was supposed to happen 2 weeks ago and never did.

On February 16, 2016 I received a letter, "Request for Medical Documentation", from (b)(6)(b)(7)(c) again requesting the same medical documentation that was previously provided a month earlier. That letter stated I was found to meet the criteria of a "qualified individual with a disability" yet further documentation is still being requested? I again sent the SAME documents that I had previously sent as it was yet another duplicate request from (b)(6)(b)(7)(c)

The EEOC states -- "*As an alternative to requesting documentation, an employer may simply discuss with the person the nature of his/her disability and functional limitations.*" This never happened, NAVFAC NW and my supervisor deliberately continued to find ways to unnecessarily delay the process by taking the hardest, most time consuming route possible.

On February 22, 2016 I sent my chain of command an email in response to my previously reported medical condition informing them that I had, 19 days earlier, provided the information they were asking for AGAIN.

On February 29, 2016 I received an email from (b)(6)(b)(7)(c) that she needed my phone number to "call me tomorrow". All of NAVFAC NW management has my recall information and personal phone number as does my supervisor. I informed her by email that I would be filing this EEO complaint for intentionally causing unnecessary delays in the processing of a reasonable accommodation request for an obvious medical condition in which the request (teleworking) was very simple to quickly approve. I considered NAVFAC NW's non-responsiveness to my reasonable accommodation request a de facto denial of my request. This threat apparently got the ball rolling again.

On March 1, 2016 I finally received the interactive discussion phone call. I requested performing my previous Engineering Technician work's administrative part (along with other ET's admin work load) and those ET's could support any field inspections while I did their admin work. This offer was vehemently refused and I was forced to take a new position as Outage Coordinator against my objections.

On March 2, 2016 I received an email stating my reasonable accommodation request was approved to start March 2, 2016 along with a "requirements letter" from (b)(6)(b)(7)(c). I was assigned duties of Outage Coordinator, a position that required high importance and "time sensitive" processing of outage requests. I had not received ANY training whatsoever for this position and it was not the position I had asked for (continuing my Engineering Technician work). This new position was literally forced upon me as a "take it or leave it" situation. I was also held to stricter processing requirement than the person (b)(6)(b)(7)(c) who is not only a very experienced Outage Coordinator, but he "wrote the instruction" for the position. The Union was not consulted on the change in my working conditions. I had other conditions placed upon me such as calling in to the Outage Meetings at 1300 every Monday yet I was given no number to call. This is disparate treatment to have a totally untrained person thrown into such a critical position and then be held to higher performance standards than the person currently holding the position. It is also a non-vacant position that I was forced into.

From notification of my reasonable accommodation request on January 12, 2016 to approval on March 2, 2016 was a full 50 days due to deliberately causing unnecessary delays!

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Per the EEOC:

*An employer should respond expeditiously to a request for reasonable accommodation. If the employer and the individual with a disability need to engage in an interactive process, this too should proceed as quickly as possible. Similarly, the employer should act promptly to provide the reasonable accommodation. Unnecessary delays can result in a violation of the ADA.*

On March 2, 2016 I emailed my supervisor that I was starting telework at 0700 and that "Since I don't know what the Outage Coordinator does, now what?" He sent (b)(6)(b)(7)(c) to my home to "train me" for an hour or so for a position that takes several months to learn all the nuances of.

On March 6, 2016 I emailed my supervisor that I was falling behind on the Outage Coordinator job due to lack of training and requested overtime to work through a learning curve. I also informed my chain of command that this was not what I was anticipating for a reasonable accommodation. No one in command would listen to my objections.

DON CHRM Subchapter 1606.t. states that "Employees and/or applicants for employment shall:

- (1) Immediately notify their first-level supervisor or RA POC when it is determined that some form of reasonable accommodation is required in order to perform the essential function(s) of their position of record.
- (2) Actively participate in the interactive discussion portion of the reasonable accommodation process.
- (3) Provide medical documentation, if requested, as part of the reasonable accommodation process."

Item 1 was completed on January 12, 2016 by email.

Item 2 should not have been required as my condition was OBVIOUS but an interactive discussion was finally held on March 1, 2016.

Item 3 was completed several times on several forms but initially done on January 15, 2016.

Based on the foregoing, I allege that the Agency discriminated against me based on Title I of the Americans with Disabilities Act of 1990 and as continual reprisal for participation in earlier EEO activities on file with NAVFAC NW and listed below.

2. For each of the incidents addressed above, please check one or more of the boxes below and specify your protected class which you believe motivated the agency to take the alleged discriminatory action:

- |   |  |
|---|--|
| <input type="checkbox"/> Race:  | <input type="checkbox"/> National Origin:                |
| <input type="checkbox"/> Color:   | <input type="checkbox"/> Religion:                       |
| <input type="checkbox"/> Sex Female: Male:  | <input type="checkbox"/> Age (must be at least 40). DOB: |
| <input checked="" type="checkbox"/> Physical Disability*:   | <input type="checkbox"/> Mental Disability*:             |
| <input type="checkbox"/> Genetic Information:   |  |
| <input checked="" type="checkbox"/> Reprisal for participation in an EEO complaint or opposition to an unlawful EEO practice. Please specify your prior EEO activity and the date of that activity. |  |

I am also being retaliated against for my participation in multiple employment discrimination proceedings and participation in multiple EEO investigations along with speaking out against such actions happening to myself and other employees. The (b)(6)(b)(7)(c) investigation active around February 2014, currently being a witness for (b)(6)(b)(7)(c) and (b)(6)(b)(7)(c) in 2014/2015 and my own active EEO complaint DON DOCKET NO. 15-44255-00726.

\*If you are alleging discrimination based on a disabling condition, you may need to provide medical documentation in order to substantiate you have a disability as defined under 29 CFR 1614.203.

3. Please identify the code/shop/organization and management official(s) you believe discriminated against you.

Code/Shop/Organization: NAVFAC NW:

(b)(6)(b)(7)(c)  
(b)(6)(b)(7)(c)  
(b)(6)(b)(7)(c)  
(b)(6)(b)(7)(c)  
(b)(6)(b)(7)(c)  
(b)(6)(b)(7)(c)  
(b)(6)(b)(7)(c)  
(b)(6)(b)(7)(c)  
(b)(6)(b)(7)(c)  
(b)(6)(b)(7)(c)

4. Please identify witnesses who, through firsthand knowledge, can substantiate the discrimination occurred.

Witnesses: N/A

5. Please state the corrective action desired. (What will resolve this matter?)



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- a. Documented true disciplinary action against the offenders forceful enough to deter any possible thought of recurrence, recorded in the harasser(s) official files, SF-50 and performance evaluations to reflect EEO failures, and not just the boilerplate statement from management such as "appropriate action has been taken".
- b. Maximum monetary damages per each law, rule, policy violation that has occurred.
- c. Relocate harassers outside of my regular work area and not offer relocation of ME from their regular work area.
- d. Any finding of reprisal/retaliation/violation of law or making false statements by any managerial staff, those people are to be removed from Federal service for the efficiency of the service as they have proven they will not change their ways or be rehabilitated.
- e. Recoup all annual leave used, travel comp time used, sick leave used in relationship to any of the above issues and the handling thereof. Anticipated 50 days of leave used.
- f. Backpay in full for the 50 days of leave used.
- g. 100% of all fees incurred in defending myself to include but not limited to: attorney fees, parking, ferry, vehicle mileage, tolls, referral services, attorney referral services, attorney consultation fees, with interest.
- h. NAVFAC NW to provide one 8 hour training session on Title VII discrimination and issues to all Lead ET's, Supervisors and Management personnel. Provide an additional 4 hour training session on Title VII retaliation.
- i. NAVFAC NW to provide one 8 hour training session on Title I of the Americans with Disabilities Act of 1990 to all Lead ET's, Supervisors and Management personnel. Provide an additional 4 hour training session on Reasonable Accommodation.
- j. Document performance evaluation as Supervision: Unacceptable, EEO: Unacceptable, Safety: Unacceptable, in Brian Van Woudenberg's official APAS report 2014/2015.
- k. Place 11"x17" min. size poster on every official NAVFAC bulletin board stating that NAVFAC NW has violated ADA and EEO laws to remain in place for 5 years.

## III. RIGHT TO ANONYMITY AND REPRESENTATION

1. You have the right to remain anonymous during the informal EEO process. Do you wish to remain anonymous?  
☒ No ☐ Yes
2. You have the right to be represented anytime during the complaint process. If you choose to have a representative you must designate, in writing, the name, address, and phone number of your representative:

Representative's Name: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Code/shop/organization or if attorney, please state: \_\_\_\_\_

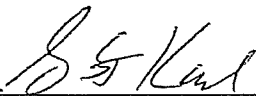
Address: \_\_\_\_\_

Apt/Unit # \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

## IV. OTHER

1. Have you filed with the Merit System Protection Board (MSPB), or filed a negotiated grievance with the union, or an administrative grievance regarding the same issue?
2. ☒ No ☐ Yes Date filed \_\_\_\_\_ With whom \_\_\_\_\_
3. Would you consider utilizing a form of Alternative Dispute Resolution? ☒ No ☐ Yes  
 (If both parties agree, counseling will be extended up to 90 total days)



Signature

4-5-16

Date

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### PRIVACY ACT STATEMENT

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (PL-93-579), which requires that Federal agencies must inform individuals, who are requested to furnish information about themselves, the following facts concerning the information requested.

1. **AUTHORITY:** The Department of the Navy discrimination procedures are authorized by 42 USC 2000E-16, the Equal Employment Act of 1972.
2. **PRINCIPLE PURPOSE:** The information requested is needed to establish the case records and to assist Department of Navy officials in the processing of the complaint.
3. **ROUTINE USES:** This form and the information furnished thereon will be used by Department of Navy officials in the performance of their official duties related to the processing of the complaint. In addition, it will be used, when needed, by a hearing examiner, investigator, arbitrator, or by representatives of the Office of Personnel Management, Department of Justice, and the courts concerned with the processing of a complaint and special cases.
4. **MANDATORY OR VOLUNTARY DISCLOSURE:** The information you provide is entirely voluntary and will be protected as confidential in accordance with the policies, procedures, and safeguards adopted under the Privacy Act. If you do not furnish the information requested on the attached form, there will be no adverse consequences to you.

No Signature is required on this statement

(b)(6)(b)(7)(c) CIV NAVFAC LANT, HRO

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**From:** (b)(6)(b)(7)(c) CIV NAVFAC NW, BD3  
**Sent:** Wednesday, April 06, 2016 10:56  
**To:** (b)(6)(b)(7)(c) CIV NAVFAC LANT, HRO  
**Cc:** (b)(6)(b)(7)(c) CIV NAVFAC NW, BD3; (b)(6), (b)(7)(c) CIV NAVFAC LANT, HRO  
**Subject:** \*\*\*ACTION NW INFORMAL EEO COMPLAINT\*\*\* George Karl EEO Complaint  
**Attachments:** George\_Karl\_EEO\_Complaint.pdf  
**Signed By:** (b)(6)(b)(7)(c)@navy.mil

**Importance:** High

(b)(6)(b)(7)(c)

Informal complaint for our office for processing.

Please let me know when it is assigned.

Thanks!

(b)(6)(b)(7)(c)

EEO Specialist & Reasonable Accommodations Coordinator  
NAVFAC NW  
360.396.0284

Privacy Act Notice

Notice: FOR OFFICIAL USE ONLY - This transmission may contain material covered by the Privacy Act of 1974 and should be viewed only by personnel having an official "need to know." If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the content of this information is prohibited.

If you have received this communication in error, please notify me immediately by email and delete the original message.

-----Original Message-----

**From:** George Karl [mailto:george.karl@live.com]  
**Sent:** Wednesday, April 06, 2016 7:49 AM  
**To:** (b)(6)(b)(7)(c) CIV NAVFAC NW, BD3; (b)(6)(b)(7)(c) CIV NAVFAC NW, BD3; (b)(6)(b)(7)(c) CIV NAVFAC NW, 09C  
**Subject:** [Non-DoD Source] EEO Complaint

Not sure if this goes outside NAVFAC NW to avoid the conflict of interest that the previous MOA between NW and MW had. Is it NAVFAC Atlantic that processes NAVFAC NW complaints now?